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NEW DELHI, SATURDAY, APRIL 3, 1993/CHAITRA 13, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह सलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सविधिक आदेश और अधिसूचनाएँ
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

(प्राथमिक सुरक्षा विभाग)

(Department of Int. Securities)

पुनर्वास प्रभाग

(Rehabilitation Division)

नई दिल्ली, 24 फरवरी, 1993

New Delhi, the 24th February, 1993

का. मा. 670.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास)
प्रधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एनडिआर पंजाब
सरकार के पुनर्वास विभाग में संयुक्त सचिव को पंजाब सरकार के पुन-
वास विभाग में संयुक्त सचिव के रूप में उनके स्वयं के दायित्वों के
अतिरिक्त शक्तिपूर्ति पूल के भाग के रूप में आवासों भवनों तथा
रिक्त स्थलों सहित किसी प्राचीन क्षेत्र में कृषि भूमि तथा इकानों के
सम्बन्ध में उनका अधिनियम के द्वारा अथवा उससे अधीन राखे गए मुख्य
अन्वेषक आयोग के रूप में सीए गार्डों का निष्पादन करने के उद्देश्य
से संयुक्त मुख्य अन्वेषक आयोग नियुक्त करती है।

2 इसके द्वारा दिनांक 10-8-1970 की अधिसूचना संख्या 3(2)
एल एवं एल/69 का अधिकरण दिया जाता है।

[संख्या 1 (1)/93—अन्वेषक (ए)]

पी. टी. चक्रवर्ती, प्रवर सचिव

(1049)

S.O. 670.—In exercise of the powers conferred by Sub-
section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954) the Central Government hereby appoints the Joint Secretary in the Rehabilitation Department of Government of Punjab a Joint Chief Settlement Commissioner, for the purpose of performing, in addition to his own duties as Joint Secretary Rehabilitation Department, Government of Punjab, the functions assigned to a Joint Chief Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

2. This supersedes notification No. 3(2)/L&R/69, dated 10th August, 1970.

[No. 1(1)/93—Settlement (A)]

P. T. CHACKOCHAN, Under Secy

नई दिल्ली, 24 फरवरी, 1993

का. धा. 671 :—निष्क्रान्त सम्पत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा संयुक्त सचिव, पुनर्वास विभाग, पंजाब सरकार को उक्त अधिनियम के द्वारा भूयवा उसके अधीन सहायक महा-निर्देशक को सीपे गए शक्तियों का निर्वाह करने के उद्देश्य से पंजाब राज्य में स्थित निष्क्रान्त सम्पत्ति के सहायक महानिर्देशक के रूप में नियुक्त करते हैं।

2 इसके द्वारा दिनांक 1 सितम्बर, 1970 को अधिसूचना संख्या 6072—ए/सी एस सी/69—ए/एस ओ (एस) का अधिवर्धन किया जाता है।

[संख्या 1 (1)/93—अन्वोबस्त (सी)]

पी. टी. चकोरन, अवर सचिव

New Delhi, the 24th February, 1993

S.O. 671.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoint Joint Secretary, Rehabilitation Department, Government of Punjab as the Assistant Custodian General of Evacuee Property situated in the State of Punjab for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act.

2. This supersedes notification No. 6072-A/CSC/69-ASO(L) dated 1st September, 1970.

[No. 1(1)/93-Settlement (C)]

P. T. CHACKOCHAN, Under Secy.

नई दिल्ली, 24 फरवरी, 1993

का. धा. 672 :—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 (2) के अंतर्गत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, जी. एस. संघु मुख्य अन्वोबस्त आयुक्त एतद्वारा संयुक्त मुख्य अन्वोबस्त आयुक्त की शक्तियों का प्रयोग करके पंजाब राज्य सरकार के पुनर्वास विभाग में संयुक्त सचिव की क्षतिपूर्ति पूल के भाग के रूप में आवासों, मकानों वगैरहों एवं रिक्त स्थानों सहित किसी भी शारीरिक क्षेत्र में कृषि भूमि एवं दलानों के सम्बन्ध में आवास्यक आदेश पान्ति करने के उद्देश्य से उक्त अधिनियम की धारा 23, 24 एवं 28 के अंतर्गत शारीरिक शक्तियों सौंपा है।

2. इसके द्वारा दिनांक 7/10 अगस्त, 1970 की अधिसूचना संख्या 3 (2)/एन एवं धार/69 का अधिवर्धन किया जाता है।

[एन. संख्या 1 (1)/93—अन्वोबस्त (सी)]

जी. एस. संघु, मुख्य अन्वोबस्त आयुक्त

New Delhi, the 24th February, 1993

S.O. 672.—In exercise of the powers conferred on me under Section 34(2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, G. S. Sandhu, Chief Settlement Commissioner do hereby delegate to the Joint Secretary in the Rehabilitation Department of Punjab State Government exercising the powers of Joint Chief Settlement Commissioner, my powers under Section 23, 24 and 28 of the said Act for the purpose of passing necessary

orders under these Sections in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

2. This supersedes notification No. (2), I.R./69, dated 7th/10th August, 1970.

[F. No. 1(1)/93-Settlement (P)]

G. S. SANDHU, Chief Settlement Commissioner.

कार्मिक, लोक शिवायत तथा पेंशन सेवानाय

(कार्मिक धीर प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 15 मार्च, 1993

का. धा. 673 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना संख्या पी. एन. ए. 370/91/90, तारीख 21 विसम्बर, 1992 द्वारा असम राज्य सरकार राजनैतिक (ए) विभाग दिसपुर की सहमति से, दिल्ली विशेष पुलिस स्थापन के मसलों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अवसरों के सम्बन्ध के लिए संपूर्ण असम राज्य पर करती है:

(क) श्री. ध्रुव ज्योति गोर्गई, श्री. जिये सेना प्राधिकारियों के तिनसुकिया जिले में तारीख 17-3-91 की दुपहमा में विस्तार किया गया, मुख्य के संबंध में डिगबोई पुलिस थाने में 1991 के यू. डी. मामला सं. 9 में दर्ज की गई प्रथम इतिहास रिपोर्ट के आधार पर भारतीय संसदीयता, 1860 (1860 का अधिनियम सं. 45) की धारा 302, 34 के अधीन दंडनीय अवसर।

(ख) पूर्वोक्त धाराओं के संबंध में या उनसे संलग्न प्रत्यक्ष, कुक्षरण और आपराधिक गृहयंत्र, यदि कोई हो, तथा उन्हीं तथ्यों से उत्पन्न होने वाले बड़े हो संयोजक के अनुक्रम में किए गए कोई अन्य अवसर।

[संख्या 228/13/93—ए. सी. डी.—III]

ए. सी. शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, P. G. & PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 15th March, 1993

S.O. 673.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Assam Political (A) Department Dispur vide Notification No. PLA-370/91-90, dated 21-12-1992 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the following offences :—

(a) Offences punishable under Section 302, 34 Indian Penal Code, 1860 (Act No. 45 of 1860) on the basis of FIR registered in U. D. case No. 9 of 1991 in Digboi Police Station in connection with the death of one Shri Dhrubha Tyoti Gogoi who was arrested by Army authorities at Doomdooma on 17-3-1991 in Tinsukia District.

(b) Attempts, abetments and criminal conspiracies if any in relation to or in connection with the aforesaid offences and any other offences committed in course of the same transaction arising out of the same facts.

[No. 228/13/93-AVD. III]

A. C. SHARMA, Under Secy.

वाणिज्य संचालक

नई दिल्ली, 17 मार्च, 1993

(महानिदेशालय, विदेश व्यापार)

आदेश

नई दिल्ली, 15 मार्च, 1993

का. आ. 674.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, खनिज तथा अयस्क (ग्रुप-I) अर्थात् कच्चे लौहे का निर्यात से पूर्व निरीक्षण करने के लिए, मैसर्स सी स्कैन सर्विसेज प्रा. लि., वैकट पदमा-दूसरी मंजिल, कानारा हाई स्कूल रोड, डोंगरकेरी, मैंगलूर-575003 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एनड्वारा मान्यता देती है, अर्थात्—

- (i) मैसर्स सी स्कैन सर्विसेज प्रा. लि., निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क (ग्रुप-I) के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके।
- (ii) मैसर्स सीस्कैन सर्विसेज प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आवद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दे।

[फाईल सं. 5/1/93 ई आई एण्ड ई पी]

कुमारी सुभा सुब्रह्मणा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 17th March, 1993

S.O. 674.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Seascan Services Pvt. Ltd., Venkat Padma-2nd floor, Canara High School Road, Mangalore-575003 as an agency for the inspection of Minerals and Ores (Group-I) namely Iron Ore, prior to export, subject to the following conditions, namely:—

- (i) that M/s. Seascan Services Pvt. Ltd. shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-I (Inspection) Rules, 1965;
- (ii) that M/s. Seascan Services Pvt. Ltd. in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/1/93-EI & EP]

KUM. SUMA SUBBANNA, Director

का. आ. 675.—मै. सिन्केम केमिकल्स (इंडिया) प्रा. लि., 8/4, सूर्या निवास प्लॉट सं 8, कालोनी रोड, सियॉन बम्बई-400022 को सामान्य मुद्रा क्षेत्र से रिफैमाइ-सिन-एस 13.83 एम टी एक्टिविटी (रिफा-एस) (2) 1-एमिनो 4 मिथाइल पिपेरेजाइन-2.400 एमटी के आयात के लिए 5,71,10,000/- रुपये (पांच करोड़ एकहत्तर लाख दस हजार रुपये मात्र) का एक आयात लाइसेंस सं. पी./एम/2304724 दिनांक 6-8-92 दिया गया था।

फर्म ने उपर्युक्त लाइसेंस को सीमाशुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति उनसे खो गई अथवा गुम हो गई है। आगे यह भी कहा गया है कि लाइसेंस सीमाशुल्क प्राधिकारी एयर कागों सीमाशुल्क (सीमाशुल्क गृह) बम्बई से पंजीकृत कराया गया था और सीमाशुल्क प्रयोजन प्रति के मूल्य का आंशिक तौर पर इस्तेमाल किया गया है।

2. अपने तर्कों के समर्थन में, लाइसेंसधारियों ने नोटरी पब्लिक ग्रेटर, बम्बई के समक्ष विधिवत रूप से शपथ लेकर रसीदी कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूं कि फर्म से आयात लाइसेंस सं. पी/एस/2304724 दिनांक 6-8-92 की मूल सीमाशुल्क प्रति कहीं खो गई अथवा गुम हो गई है। अतः समय-समय पर व्यावसायिक आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 की उपधारा 9 (ग) के अंतर्गत प्रवृत्त अधिकारों का प्रयोग करते हुए मसूस सिन्केम केमिकल्स (इंडिया) प्रा. लि. को जारी की गई मूल सीमाशुल्क प्रयोजन प्रति सं. पी/एस/2304724 दिनांक 6-8-92 एनड्वारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि अलग से जारी की जा रही है।

[एफ. सं. सप्ली/एन एस-4/233/एस एस आई/ए एम 93/एस एल एस/636]

माया डी. कैम, उप महानिदेशक, विदेश व्यापार

(Directorate General of Foreign Trade)

ORDER

New Delhi, the 15th March, 1993

S.O. 675.—M/s. Synchem Chemicals (India) Pvt. Ltd., 8/4, Surya Niwas Plot No. 8, Colony Road, Sion, Bombay-400022, were granted an import licence No. P/S/2304724 dated 6th August, 1992 for Rs. 5,71,10,000 (Rupees Five crore seventy one lakhs and ten thousand only) for import of Rifamycin-S 13.83 MT Activity (Rifa-S) (2) 1-Amino-4-Methyl Piperazine-2.400 MT from GCA.

The firm has applied for issue of Duplicate of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was registered with Customs Authority Air Cargo Customs (Customs House) Bombay and the value of Customs purpose copy has been utilised partially.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Greater, Bombay. I am accordingly satisfied that the original Customs purposes copy of import licence No. P/S/304724 dated 6th August, 1992 has been lost or misplaced by the firm, in exercise of the powers conferred under sub-clause (cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs purposes copy No. P/S/304724 dated 6th August, 1992 issued to M/s. Synchem Chemicals (India) Pvt. Ltd., is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[F. No. Suppl./NS-4/233/SSI/AM. 93/SLS/636]
MAYA-D-KEM, Dy. Director Genl. of Foreign Trade

आदेश

नई दिल्ली, 15 मार्च, 1993

का. धा. 676.—मै. रिसोर्स टेक्नोलॉजीज प्राइवेट लि. सर्वे नं. 494, बीबी नगर, नालगोण्डा, जिला आन्ध्र प्रदेश को सामान्य मुद्रा क्षेत्र के अन्तर्गत पी सी बी एस (सिंगल साइड्डेड) के एक लाख नग का आयात करने के लिए 4,13,000/- रुपए (चार लाख और तेरह हजार रुपए मात्र) का एक आयात लाइसेंस सं. पी/डी/2304828, दिनांक 4-9-92 मंजूर किया गया था।

फर्म ने उक्त लाइसेंस की सीमाशुल्क-प्रयोजन प्रति की प्रतिलिपि इस आधार पर जारी करने के लिए आवेदन किया कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति गुम हो गई है या खो गई है। यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति किसी सीमा-शुल्क प्राधिकारी से पंजीकृत नहीं थी तथा हैबराबाद हवाई अड्डे पर आए हुए विहित माल की निकासी के लिए अब इसकी जरूरत है।

2. अपने तर्कों के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, सिकन्दराबाद के समक्ष विधिवत् शपथ लेकर स्टाम्प पेपर पर एक हलकनामा दाखिल किया है। तदनुसार मैं सन्तुष्ट हूँ कि आयात लाइसेंस सं. पी/डी/2304828 दिनांक 4-9-92 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से खो गई है या गुम हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 के उप-खण्ड 9 (गग) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मै. रिसोर्स टेक्नोलॉजीज प्राइवेट लि. को जारी की गई उक्त मूल सीमाशुल्क प्रयोजन प्रति सं. पी/डी/2304828 दिनांक 4-9-92 को एतद्-द्वारा निरस्तर किया जाता है।

3. पार्टी को उक्त लाइसेंस की एक दूसरी सीमाशुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[फा. सं. पूरक/एन. एस.-5/247/विध्या महा नि/ए. एम-93/एस-एल एस/634]

माया डी केम, उप महानिदेशक, विदेश व्यापार

ORDER

New Delhi, the 15th March, 1993

S.O. 676.—M/s. Resource Technologies Private Ltd., Survey No. 494, Bibinagar, Nalgonda District Andhra Pradesh, were granted an import licence No. P/D/2304828 dated 4th September, 1992 for Rs. 4,13,000 (Rupees Four lakhs and thirteen thousand only) for import of One lakhs Nos. of PCBs, (Single Sided) under GCA.

The firm has applied for issue of Duplicate Customs Purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was not registered with any Customs Authority and it is now required for clearing the consignment arrived at Hyderabad Air Port.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Secunderabad. I am accordingly satisfied that the original Customs purposes copy of import licence No. P/D/2304828 dated 4th September, 1992 has been lost or misplaced by the firm, in exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs purposes copy No. P/D/2304828 dated 4th September, 1992 issued to M/s. Resource Technologies Private Ltd., is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[F. No. Suppl./NS-5/247/DGTD/AM. 93/SLS/634]
MAYA-D-KEM, Dy. Director Genl. of Foreign Trade

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक

वितरण मंत्रालय

नई दिल्ली, 31 मार्च, 1993

का. धा. 677.—केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन चेम्बर आफ कामर्से, हापुड़ द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर-ब्यापिदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्द्वारा उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त चेम्बर को गुड में अधिम संविदा के बारे में 1 अप्रैल, 1993 से 31 मार्च, 1995 जिसमें ये दोनों दिन शामिल हैं) की 2 वर्ष की और अवधि/के लिए मान्यता प्रदान करती है।

एतद्द्वारा मान्यता इस शर्त के अध्वधीन है कि उक्त चेम्बर ऐसे निर्देशों का अनुपालन करेगा, जो वायदा बाजार आयोग द्वारा समय-समय पर दिए जाएं।

[फा. सं. 12/3/आई टी/93]

कमल किशोर, धार्मिक सलाहकार

MINISTRY OF CIVIL SUPPLIES, CONSUMER
AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 31st March, 1993

वस्त्र मंत्रालय

नई दिल्ली, 5 मार्च, 1993

S.O. 677.—The Central Government having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Chamber of Commerce, Hapur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Chamber for a further period of two years from the 1st April, 1993 to the 31st March, 1995 (Both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions, as may, from time to time, be given by the Forward Markets Commission.

12/3/IT/93]

KAMAL KISHO

नई दिल्ली, 31 मार्च

का. आ. 678.—केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन विजय व्यापार चेम्बर लि., मुजफ्फरनगर द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर वायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोक हित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त चेम्बर को गुड़ में अग्रिम संविदा के बारे में 1 अप्रैल, 1993 से 31 मार्च, 1995 (जिसमें ये दोनों दिन शामिल हैं) की 2 वर्ष की और अवधि के लिए मान्यता प्रदान करती है।

2. एतद्वारा मान्यता इस शर्त के अधधीन है कि उक्त चेम्बर ऐसे निर्देशों का अनुपालन करेगा, जो वायदा बाजार आयोग द्वारा समय-समय पर दिए जाएं।

[फा. सं./12/1/आई टी 93]

कमल किशोर, आर्थिक सलाहकार

New Delhi, the 31st March, 1993

S.O. 678.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by Vijay Beopar Chamber Ltd., Muzaffarnagar, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Chamber for a further period of two years from 1st April, 1993 to 31st March, 1995 (Both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions, as may, from time to time, be given by the Forward Markets Commission.

[File No. 12/1/IT/93]

KAMAL KISHORE, Economic Adviser

का. आ. 679.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में वस्त्र मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालयों को, जिनमें 80% कर्मचारी वृद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. केन्द्रीय टसर अनुसंधान एवं प्रशिक्षण संस्थान अनुसंधान प्रसार केन्द्र, केन्द्रीय रेशम बोर्ड, मिसन कम्पाउण्ड, पालम्पोर-176061 कांगड़ा (हि. प्र.)
2. तकनीकी सेवा केन्द्र, राष्ट्रीय रेशम परियोजना, केन्द्रीय रेशम बोर्ड, मुख्य बाजार, वार्ड सं. 9, नालागढ़, जिला सोलन (हि. प्र.) पिन-174101

[सं. ई-11011/2/93-हिन्दी]

कीर्ति कुमार, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 5th March, 1993

S.O. 679.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80 per cent staff have acquired working knowledge of Hindi:—

1. Central Tasar Research and Training Institute, Research Extension Centre, Central Silk Board, Mission Compound, Palampore-176061, Kangara (H.P.).
2. Technical Service Centre, National Silk Project, Central Silk Board, Main Bazar, Ward No. 9, Nalagarh, District Solan-174101 (H.P.).

[No. F-11011/2/93-Hindi]

KIRTHY KUMAR, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 23 फरवरी, 1993

का. आ. 680.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन [भूमि में उपयोग के अधिकार का अर्जन] अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत के राजपत्र, भाग 2 खंड 3 उपखंड (ii) तारीख 22 अगस्त, 1992 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2187 तारीख 28 जुलाई, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर, 1992 को उपलब्ध करा दी गई थी ;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है :

केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त होकर इंडियन आयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : अंजार जिला : कच्छ राज्य : गुजरात

गांव का नाम	सर्वे संख्या	क्षेत्रफल		
		हेक्टर	घारे	वर्ग मीटर
1	2	3	4	5
वरसाणा	77	00	02	70
	78	00	10	25
	79	00	01	04

[संख्या आर-31015/35/92-ओ.आर.-I]

कुलदीप सिंह, धवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 23rd February, 1993

S.O. 680.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S.O. 2187, dated the 28th July, 1992, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 22nd August, 1992 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said Gazette notification were made available to the public on the 18th September, 1992,

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made its report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification is hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil—Anja District—Kachh State—Gujarat				
Name of Village :	Survey Number	Area		
		Hectare	Are	Square Metres
1	2	3	4	5
Varsana	77	00	02	70
	78	00	10	25
	79	00	01	04

[No.R-31015/35/92-CR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 23 फरवरी, 1993

का. आ. 681.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के राजत, भाग 2, खंड 3, उपखंड (ii) तारीख 22 अगस्त, 1992 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं.का.आ. 2188 तारीख 28 जुलाई, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर, 1992 को उपलब्ध करा दी गई थी;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपायय अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से उपायय अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की बजाए सभी विलक्षणों से मुक्त होकर इंडियन आयल कॉर्पोरेशन लिमिटेड से निहित होगा।

अनुसूची

तहसील : भवाड	जिला : कच्छ	राज्य : गुजरात			
गांव का नाम	सर्वे संख्या	क्षेत्रफल			
		हेक्टर	आरे	वर्ग	मीटर
1	2	3	4	5	
नाली चिरई	394	00	41	50	
	393/2	00	33	10	
	393/1	00	01	40	
	392/1	00	20	34	
	392/2	00	10	40	

[संख्या आर-31015/25/92-ओ आर-I]

कुलदीप सिंह, अवसर सचिव

New Delhi, the 23rd February, 1993

S.O. 681.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S.O. 2188, dated the 28th July, 1992, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 22nd August, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said Gazette notification were made available to the public on the 18th September, 1992,

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made its report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification is hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall stand of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil—Bhachau	District—Kachchh	State—Gujarat			
Name of Village	Survey Number	Area			
		Hectare	Are	Square Metres	
1	2	3	4	5	
Nali Chirai	394	00	41	50	
	393/2	00	33	10	
	493/1	00	01	40	
	392/1	00	20	34	
	392/2	00	10	40	

[No. R-31015/35/92-CR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली 23 फरवरी, 1993

का. आ. 682—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इससे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अर्जित जारी की गई भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 22 अगस्त, 1992 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2188, तारीख 28 जुलाई, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से उपायय अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर, 1992 को उपलब्ध करा दी गई थी;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपायय अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से उपायय अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त भारत की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए सभी विस्तारपूर्वक से मुक्त होकर इंडियन प्रायल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील रापर	जिला कच्छ	राज्य : गुजरात		
गाँव का नाम	सर्वेस	क्षेत्रफल		
		हेक्टर	घारे	वर्ग मीटर
1	2	3	4	5
डेदरवा	153/3	00	17	14
	153/1	00	03	34
	151	00	13	68
साजागढ़	163/2	00	04	50
	163/3	00	09	00
	163	00	43	20
	164/3	00	09	90
	171	00	46	00
	171/1	00	18	00
	180	00	45	00
	72	00	46	80
	72	00	21	60
	76/1	00	07	20
	76/2	00	17	10
	51	00	16	20
	53	00	19	80
	48/1	00	19	80
	48/2	00	03	24
	45	00	09	90
भाडेसर	597/2	00	13	50
	697/1	00	07	20
	598/1	00	03	40
	553/2	00	01	35
	553/1	00	10	80
	553/2	00	08	10
	553/3	00	18	20
	553/1	00	23	40
	555	00	20	70
	558	00	29	40
	559	00	34	20
	562/3	00	09	90
	562/1	00	36	00
	564	00	55	40
	497/5	00	10	80
	496	00	18	00
	495	00	09	00
	493	00	18	00
	494	00	10	80
	491	00	37	80

1	2	3	4	5
भाडेसर (समाप्त)	488	00	07	20
	454	00	17	10
	455	00	20	10
	438	01	04	40
	447/1	00	15	60
	447/1	00	30	60
बाभणसर	490	00	05	40
	93	00	07	50
	87	00	28	50
	86	00	07	50
	60	00	19	14
	64	00	35	04
	55	00	41	53

[संख्या भारत-31035/35/92—ओ. धार. I]

कुलदीप सिंह, प्रवर सचिव

New Delhi, the 23rd February, 1993

S.O. 682.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S.O. 2189, dated the 28th July, 1992, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 22nd August, 1992 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said Gazette notification were made available to the public on the 18th September, 1992;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made its report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification is hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil—Rapar	District—Kachchh	State—Gujarat		
Name of Village	Survey Number	Area		
		Hectare	Are	Square Metres
1	2	3	4	5
Dedra	152/3	00	14	15
	152/1	00	02	35
	1513	00	13	68

1		3	4	5
Lakhagadh	163/2	00	04	50
	163/2	00	09	00
	162	00	43	20
	164/3	00	09	90
	171	90	45	00
	172/1	00	18	00
	180	00	45	00
	73	01	46	80
	72	00	21	60
	76/1	00	07	20
	76/2	00	17	10
	51	00	16	20
	53	00	19	80
	48/1	00	19	80
	48/2	00	03	24
	45	00	09	90
	Adasuri	597/	00	13
597/1		00	07	20
598/1		00	05	40
552/		00	01	35
552/1		00	10	80
553/2		00	08	10
554/3		00	16	20
554		00	23	40
555		00	20	70
558		00	23	40
559		00	34	20
562/2		00	09	90
562/1		00	36	00
564		00	32	40
497/2		00	10	80
496		00	18	00
495		00	09	00
493		00	18	00
484		00	10	80
491		00	37	80
488		00	07	20
454		00	17	10
455		00	26	10
458		01	04	40
447/1		00	12	60
447/2		00	30	60
490	00	05	40	
Bambhansar	93	00	07	56
	87	00	28	26
	86	00	07	56
	60	00	49	14
	64	00	32	04
	55	00	41	58

[No. R-31015/35/92-R-1]
KUL DIP SINGH, Under Secy.

नई दिल्ली, 1 मार्च, 1993

का.आ. 633.—केन्द्र सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962, (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग—2, खंड-3, उपखण्ड (ii) पृष्ठ संख्यांक 1985,

1989, 1990 एवं 1992 में प्रकाशित भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1088, 1091, 1092 एवं 1094, दिनांक 18 अप्रैल, 1992 द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी;

और केन्द्र सरकार की जानकारी में यह बात लाई गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में मुद्रण की कुछ गलतियाँ हैं।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है।

का.आ.—1088 पृष्ठ संख्या—1985—के दाहिने भाग में ऊपर से आठवीं पंक्ति पर कॉलम (2) के सर्वेक्षण संख्या '757' के सामने गांव के कॉलम (1) में 'पर' पढ़ें।

का.आ.—1091 पृष्ठ संख्या

1989

—के दाहिने भाग में अनुसूची के 'सर्वेक्षण संख्या' के नीचे लिखे 'हेक्टेयर' के स्थान पर खाली जगह पढ़ें।

—के दाहिने भाग में, उपर से आठवीं पंक्ति पर सर्वेक्षण संख्या '869' के सामने हेक्टेयर के कॉलम (3) में '0' पढ़ें।

—के दाहिने भाग में उपर से चौबिसीवी पंक्ति पर सर्वेक्षण संख्या '191' के सामने वर्गमीटर के कॉलम (5) में लिखे '40' के स्थान पर '04' पढ़ें।

—के दाहिने भाग में सर्वेक्षण संख्या के कॉलम (2) के छठ्सर्वी पंक्ति पर लिखे '658' के स्थान पर '648' पढ़ें।

का.आ.—1092 पृष्ठ संख्या

1990

—के दाहिने भाग में, 'दुमावाडा' गांव के सर्वेक्षण संख्या '125' के सामने वर्गमीटर कॉलम (5) में लिखे '32' के स्थान पर '33' पढ़ें।

का. प्रा. — 1094,
पृष्ठ संख्या 1992

—के बायें भाग में 'राजापुरा'
गांव के सर्वेक्षण संख्या '106'
के सामने कालम (4) में
लिखे '18' के स्थान पर
"11" पढ़ें।

ऐसी भूमि में जिसकी वास्तव उपरोक्त संशोधन जारी किया गया है, जिसका कोई व्यक्ति इस अधिसूचना के जारी किये जाने के इक्कीस दिन के भीतर उक्त भूमि के सम्पूर्ण या किसी भाग के या उक्त ऐसी भूमि के या इस पर किसी अधिकार के अर्जित किए जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार आप्रोप कर सकेगा।

स्पष्टीकरण :—केवल इस अधिसूचना के द्वारा संशोधन गांव के नाम, खसरा सं. व क्षेत्रफल कि वास्तव उक्त अधिनियम की धारा 5 (1) के निबंधनों के अनुसार इक्कीस दिन की उक्त अवधि यह अधिसूचना जारी की जाने की तारीख से प्रारम्भ होगी।

[संख्या : प्रा-31015/31/92-ओ.आर.-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 1st March, 1993

S.O. 683.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 1088, dated the 18th April 1992, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 1985 to 1987 issued under sub-section (1) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

"And whereas," it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

"Now, therefore," in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :—

at page 1987, in column 1, for "Rajurara" read "Rajusara":

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the aforesaid Act.

Explanation :—In respect of the lands, survey Nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act shall start running from the date of issue of this notification.

[No. R-31015/31/92-O. R. 1]
KULDIP SINGH, Under Secy.

आई प्रिन्टी, 1 मार्च, 1993

का. प्रा. 684—केन्द्र सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार जारी का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राज्यपाल भाग 2 खण्ड 3, उपखण्ड (ii) पृष्ठ संख्यांक 3432, 3433 एवं 3434 में प्रकाशित भारत सरकार पेट्रोलियम और प्राकृतिक गैस मन्त्रालय की अधिसूचना का का. प्रा. 2187, 2188 एवं 2189 दिनांक 22 अगस्त 1992 द्वारा इस अधिसूचना में संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के आने आशय की सूचना दी थी।

और केन्द्र सरकार की जाचकारी में यह बात आई गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में मुद्रण की कुछ गलतियाँ हैं।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में संलग्न अनुसूची में निम्नलिखित संशोधन करती है।

का. प्रा. 2187 पृष्ठ संख्या 3432—के दाहिने भाग में "अधिसूचना" के नीचे कॉलम में जिम्मा—'कच्छा' के स्थान पर जिम्मा—'कच्छ' लिखा पढ़ें।

का. प्रा. 2188 पृष्ठ संख्या 3433—
के बायें भाग में "तालीचौरई" गांव के सर्वे संख्या "392/2" के सामने कालम (3) में लिखे "10" के स्थान पर "00" पढ़ें।

का. प्रा. — 2189 पृष्ठ संख्या—3434—के बायें भाग में "लाखागढ़"
गांव के सर्वे संख्या "163/3" के सामने कालम (3) में खाली स्थान पर "00" पढ़ें।

—के बायें भाग में "लाखागढ़" गांव के सर्वे संख्या 164/2 "के स्थान पर" 164/3 " पढ़ें।

—के बायें भाग में "लाखागढ़" गांव के सर्वे संख्या 48/1 के सामने कालम (5) में लिखे "60" के स्थान पर "80" पढ़ें।

—के बायें भाग में "आठेंसर" गांव के सर्वे संख्या "558/" के स्थान पर "558" पढ़ें।

—के बायें भाग में "आठेंसर" गांव के सर्वे संख्या "562/2" के स्थान पर "562/1" पढ़ें।

ऐसी भूमि में जिसकी वास्तव उपरोक्त संशोधन जारी किया गया है, जिसका कोई व्यक्ति इस अधिसूचना के जारी किये जाने के इक्कीस दिन के भीतर उक्त भूमि के सम्पूर्ण या किसी भाग के या उक्त ऐसी भूमि में या इस पर किसी अधिकार के अर्जित किए जाने के विरुद्ध उक्त अधिनियम की धारा 3 की उपधारा (1) के निबंधनों के अनुसार आप्रोप कर सकेगा।

स्पष्टीकरण :—केवल इस अधिसूचना के द्वारा संशोधन गांव के नाम खसरा सं. व क्षेत्रफल कि वास्तव उक्त अधिनियम की धारा 5 (1) के निबंधनों के अनुसार इक्कीस दिन की उक्त अवधि अधिसूचना जारी की जाने की तारीख से प्रारम्भ होगी।

[सं. प्रा-31015/31/92 ओ.आर.-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 1st March, 1993

S.O. 684.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 2189, dated the 22nd August, 1992, published in the Gazette of India, Part-II, Section 3, Sub-section (ii) at pages 3434 to 3435 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

"And whereas," it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

"Now, therefore," in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :—

at page 3434, in column 3, in village 'Lakhagadh', for survey No. "165/2" read "163/2", in column 5, against survey No. 48/2 for "19" read "03";

at page 3435, in village "Adesar", against survey No. 554/1, in column 4, for "13" read "23", against survey No. 555, in column 5, for "71" read "70".

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

Explanation :—In respect of the lands, survey Nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act shall start running from the date of issue of this notification.

[No. R-31015/33/92-O. R. I.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 1 मार्च, 1993

का.घा. 685:— केन्द्रीय सरकार पेट्रोलियम और पाइप-लाइन भूमि में उपयोग के अधिकार का अधिनियम (अधिनियम 1962) (1962 का 50) (जिसमें इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग-I खण्ड-3 उपखण्ड (ii) पृष्ठ संख्या 3610 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.घा. 2335 तारीख 17 अगस्त, 1992 द्वारा केन्द्रीय सरकार ने घोषित किया कि उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए।

और केन्द्रीय सरकार के ध्यान में लाया गया है कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में मुद्रण संबंधी कुछ त्रुटियाँ हैं।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है।

का.घा. 2335

पृष्ठ संख्या 3610 : पर लाईन नं. 9 एवं 29 में का.घा. "39" के स्थान पर "38" पढ़ें। गांव खिलोड़ा के खसरा संख्या "10012" के स्थान पर "0012" पढ़ें। सामपुर रोड गांव के क्षेत्रफल के वर्गमीटर कागस में खसरा संख्या 110 के सामने "31" के स्थान पर "36" पढ़ें।

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती

है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार से विहित होने के बजाए सभी विल्लयनों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड से विहित होगा।

[संख्या : आर-31015/8/92-जा.आर-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 1st March, 1993

S.O. 685.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2335 and 2336, dated the 17th August, 1992, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 3610 and 3611, issued under sub-section (1) of section 6 of Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum should be acquired;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 3610, in line 3, for No. S.O. "32" read "35",

in line 7, for the words "Right of Use" read "Right of User" and in the concluding paragraph for the words "Instead of resting" read "instead of vesting",

at page 3611, in para 6, for Survey No. "10/172" read "10/472" and for Survey No. "252/267" read "252/567".

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government directs that the right of user in the land shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

[No. R-31015/8/92-O.R-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 1 मार्च, 1993

का.घा. 686 :— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग-II खण्ड 3 उपखण्ड (ii) पृष्ठ संख्या 346 में 848, 854 से 865 873 से 885 में प्रकाशित भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना, का.घा. 544, 545, 546 दिनांक 15 फरवरी, 1992 द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने धारण की सूचना दी थी ;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण संबंधी कुछ त्रुटियाँ हुई हैं।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है ;

पृष्ठ संख्या 846 : खंडों गांव के स्थान 3 के नीचे किया संख्या "4/19" के स्थान पर "4/12" पढ़ें।

पृष्ठ संख्या 847: खन्हीरा गांव के स्तम्भ 5 के नीचे, किला संख्या 29/12 के सामने "05" के स्थान पर "00" पढ़े। स्तम्भ 3 के नीचे, किला संख्या "51/22" के स्थान पर "51/23" पढ़े।

पृष्ठ संख्या 848: टाकरी गांव के स्तम्भ 6 के नीचे, किला संख्या 33/23 के सामने "93" के स्थान पर "63" पढ़े। स्तम्भ 5 एवं 6 के नीचे, किला संख्या 39/03 के सामने "00" एवं "00" के स्थान पर क्रमशः 10 एवं "12" पढ़े।

स्तम्भ 5 एवं 6 के नीचे, किला संख्या 39/08 के सामने, "10" एवं "12" के स्थान पर क्रमशः "00" एवं "00" पढ़े।

स्तम्भ 6 के नीचे, किला संख्या 39/11 के सामने, "06" के स्थान पर "08" पढ़े।

पृष्ठ संख्या 854: गिवाना गांव के स्तम्भ 3 के नीचे, किला संख्या "13/18/3" के स्थान पर "13/18/2" पढ़े।

पृष्ठ संख्या 855: गिवाना गांव के स्तम्भ 3 के नीचे, किला संख्या "138" के स्थान पर "135" पढ़े।

स्तम्भ 6 के नीचे, किला संख्या 233 के सामने "5" के स्थान पर "51" पढ़े।

गांवदी गांव के स्तम्भ 6 के नीचे, किला संख्या 87/10/2 के सामने "68" के स्थान पर "78" पढ़े।

पृष्ठ संख्या 856: बिल बिलान गांव के स्तम्भ 5 के नीचे, किला संख्या 104 के सामने "09" के स्थान पर "00" पढ़े।

पृष्ठ संख्या 857: भैसवाय कलां मिठान के स्तम्भ 6 के नीचे, किला संख्या 20 के सामने, "13" के स्थान पर "12" पढ़े। स्तम्भ 3 के नीचे, किला संख्या 153/03 एवं 153/08 के साथ, संख्या "04" निवेश करें।

पृष्ठ संख्या 858: कटवाल गांव के स्तम्भ 3 के नीचे, किला संख्या 42/62 के स्थान पर "42/6/2" पढ़े।

साठ गांव के स्तम्भ 3 के नीचे, हजबल संख्या 65 के सामने, किला संख्या "37" निवेश करें।

पृष्ठ संख्या 859: साठ गांव के स्तम्भ 5 के नीचे, किला संख्या 1348 के सामने "02" के स्थान पर "01" पढ़े।

पृष्ठ संख्या 861: न्यात गांव के स्तम्भ 5 के नीचे, किला संख्या 61/22 के सामने "30" के स्थान पर "10" पढ़े।

पृष्ठ संख्या 862: ककाना भादरी गांव के स्तम्भ 3 के नीचे, किला संख्या "220" के स्थान पर "230" पढ़े।

खानपुर कलां गांव के स्तम्भ 4 के नीचे, किला संख्या 55/26 के सामने "5" के स्थान पर "0" पढ़े।

स्तम्भ 5 के नीचे, किला संख्या "100/7/1" के सामने, "51" के स्थान पर "01" पढ़े।

पृष्ठ संख्या 863: खानपुर कलां गांव के स्तम्भ 3 के नीचे, किला संख्या "119/04" के स्थान पर "119/03" पढ़े।

स्तम्भ 6 के नीचे, किला संख्या 119/7 के सामने, "55" के स्थान पर "25" पढ़े।

स्तम्भ 5 के नीचे, किला संख्या 119/8 एवं 119/13/1 के सामने, "00" एवं "09" के स्थान पर क्रमशः "09" एवं "07" पढ़े।

पृष्ठ संख्या 864: शमडी बूगन गांव के स्तम्भ 5 के नीचे, किला संख्या 02/15/2 के सामने, "03" के स्थान पर "02" पढ़े।

स्तम्भ 6 के नीचे, किला संख्या 12/23 के सामने, "51" के स्थान पर "31" पढ़े।

स्तम्भ 3 के नीचे, किला संख्या "12/34" के स्थान पर "12/24" पढ़े।

पृष्ठ संख्या 875: शाहपुर गांव के स्तम्भ 6 के नीचे, किला संख्या 20/3/2 के सामने, "03" के स्थान पर "08" पढ़े।

पृष्ठ संख्या 876: इतराना गांव के स्तम्भ 6 के नीचे, किला संख्या 99/14 के सामने, "23" के स्थान पर "28" पढ़े।

पृष्ठ संख्या 877: कारव गांव के स्तम्भ 86 के नीचे, किला संख्या 27/19 के सामने, "28" के स्थान पर "38" पढ़े।

पृष्ठ संख्या 879: कावडा गांव के स्तम्भ 3 के नीचे, किला संख्या "128" एवं "264" के स्थान पर क्रमशः "129" एवं "265" पढ़े।

पृष्ठ संख्या 880: स्तम्भ 1 के नीचे, गांव का नाम "उल्ला" के स्थान पर "ऊँटला" पढ़े।

पृष्ठ संख्या 881: यथा संशोधित ऊँटला गांव के स्तम्भ 6 के नीचे, किला संख्या 13/20 के सामने "15" के स्थान पर "10" पढ़े।

स्तम्भ 6 के नीचे, किला संख्या 27/5/2 के सामने, "25" के स्थान पर "29" पढ़े।

ग्रामन खूई गांव के स्तम्भ 6 के नीचे, किला संख्या 10/17, 10/24/1 एवं 10/24/2 के सामने "32" "38" एवं "81" के स्थान पर क्रमशः "38" "31" एवं "82" पढ़े।

पृष्ठ संख्या 882: ग्रामन खूई गांव के स्तम्भ 5 के नीचे, किला संख्या 84 के सामने, "03" के स्थान पर "02" पढ़े।

ग्रामन कलां गांव के स्तम्भ 6 के नीचे, किला संख्या 85/20 एवं 106/1 के सामने "38" एवं "84" के स्थान पर क्रमशः "88" एवं "81" पढ़े।

पृष्ठ संख्या 883: स्तम्भ 1 के नीचे, गांव का नाम "बाल जाटान" के स्थान पर "बाल जाटान" पढ़े।

यथा संशोधित बाल जाटान गांव के स्तम्भ 5 एवं 6 के नीचे, किला संख्या 163/12 के सामने, "00" एवं "25" के स्थान पर क्रमशः "04" एवं "81" पढ़े। स्तम्भ 5 के नीचे, किला संख्या 189 के सामने, "00" के स्थान पर "02" पढ़े।

पृष्ठ संख्या 884: बोहला के स्तम्भ 3 के नीचे, किला संख्या "146/07" के स्थान पर "146/01" पढ़े।

पृष्ठ संख्या 885: रजापुर गांव के स्तम्भ 3 के नीचे, किला संख्या 13/05 के सामने, "13" के स्थान पर "12" पढ़े।

स्तम्भ 3 के नीचे, किला संख्या "859" के स्थान पर "856" पढ़े।

ऐसी भूमि में जिसकी बाबत उपरोक्त संशोधन जारी किया गया है, हितवद्ध कोई व्यक्ति इस अधिसूचना के जारी किए जाने से दसवीं दिन के भीतर उक्त भूमि के सम्पूर्ण या किसी भाग के, या उक्त ऐसी भूमि में या इस पर किसी अधिकार के अर्जित किए जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के तहत करने के अनुसार आपील कर सकेगा; स्पष्टीकरण:— केवल इस अधिसूचना के द्वारा संशोधित गांव के नाम, किला संख्या व क्षेत्रफल की बाबत उक्त अधिनियम की धारा 5 की उपधारा (1) के निबन्धों के अनुसार दसवीं दिन को उक्त अधिसूचना की प्रतियां जनता को उपलब्ध कराए जाने की तारीख में प्रारम्भ होगी।

[संख्या आर-31013/1992-अं भा-1]

कुलदीप सिंह, प्रवर सचिव

New Delhi, the 1st March, 1993

S.O. 686.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 544, 545 and 546, dated the 15th February, 1992, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 850 to 854, 865 to 873 and 885 to 894 respectively, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notifications as follows :

- at page 851, in village Khar, in column 3, against Hadbast No. 50, before No. 01, insert '50';
- at page 852, in village Tankri, in column 3, after killa No. 33/23 insert killa No. "33/24", against so amended killa No. 33/24, in column 4, insert 'O' in column 5, insert '01', in column 6, insert '52', against killa No. 34, the figures shown in columns 4, 5 and 6 shall be omitted, against killa No. 87/01, in column 6, for '00' read '06';
- at page 853, in village Dharan, in column 3, for killa No. 17/1, read '157/1';
- at page 854, in column 1, for the name of village "Shu kha" read "Sulkha", against so amended village Sulkha, against killa No. 44/1/1, in column 4, for '1' read '0', against killa No. 45/5/1, in column 5, for '00' read '12';
- at page 866, in village Giwana against killa No. 79, in column 5, the figure '11' shall be omitted, in column 6, the figure '38' shall be omitted, against killa No. 79/4/2, in column 5, for '00' read '11', in column 6, for '25' read '38', after killa No. 79/4/2, in column 3, insert killa No. '4/1/2', against so amended killa No. 4/1/2, in column 4, insert '0', in column 5, insert '00', in column 6, insert '25';
- at page 867, in village Bhainswal Kalan Mithan, in column 3, after killa No. 60/11, insert main killa No. '82';
- at page 868, in village Bhainswal Kalan Mithan, against killa No. 282/1, in column 4, for '1' read '0', in village Bhainswal Kalan Bawla, against killa No. 21/08, in column 5, for '88' read '08';
- at page 869, in village Laath, against killa No. 66/19/2, in column 5, for '10' read '00';
- at page 870, in village Jauli, against killa no. 96/20, in column 6, for '05' read '12';
- at page 871, in village Kakana Bhadri, against killa no. 31/2/1, in column 6, for '68' read '58';
- at page 872, in village Khanpur Kalan, in column 3, for killa no. '163/15' read '163/16', against killa no. 184/26, in column 5, for '15' read '14';
- at page 873, in village Shamri Buran, in column 2, insert hadbast no. '53', in column 3, for killa no. '53' read '02', between columns 3 and 4, printed figure '02' appearing after so amended killa no. shall be omitted;
- at page 887, in village Israna, against killa no. 168/17, in column 6, for '06' read '60';
- at page 889, in village Kalkha, in column 3, for killa no. '108/17' appearing before killa no. 108/14, read '108/07';
- at page 891, in village Asan Khurd, against killa no. 34/20, in column 6, for '68' read '62';
- at page 893, in village Gohli, in column 5, against killa no. 06/09, for '6' read '16';

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

EXPLANATION : In respect of the lands, killa nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act starts running from the date the notification is made available to the public after publication in the Gazette.

[No. R-31015/19/92-O.RI]
KULDIP SINGH, Under Secy.

नई दिल्ली, 1 मार्च, 1991

का. आ. 687 :—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पदार्थों (भूमि में, उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग—2, खण्ड—3, उपखण्ड (ii) पृष्ठ संख्यांक 1049 से 1060, 1072 से 1073, 1074 से 1075 एवं 1081 से 1093 कमरा: में प्रकाशित भारत सरकार, पेट्रोलियम और प्राकृतिक गैस मंत्रालय विभाग की अधिसूचनाएं सं. का. आ. 624, 626, 627 एवं 629 दिनांक 22 फरवरी, 1992, द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण संबंधी कुछ त्रुटियां हुई हैं ;

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है ;

पृष्ठ संख्या 1049 :—कोका गांव के स्तम्भ 3 के नीचे एवं पंक्ति 7 में किला संख्या "29/23/3" के स्थान पर "29/23/1" पढ़े।

पृष्ठ संख्या 1050 :—अहरी गांव के स्तम्भ 3 के नीचे एवं पंक्ति 3 में किला संख्या "55/3" के स्थान पर "55/4" पढ़े।

पृष्ठ संख्या 1051 :—असदपुर खड़ा गांव के स्तम्भ 3 के नीचे, किला संख्या "20/1/1 पर "2/1/1" पढ़ें।

स्तम्भ 6 के नीचे किला संख्या "52/23/1" के सामने "5" के स्थान पर "58" पढ़ें।

पृष्ठ संख्या 1052 :—साछरोली गांव के स्तम्भ 3 के नीचे किला संख्या "116/19" के स्थान पर "116/18 पढ़ें।

स्तम्भ 5 के नीचे किला संख्या 124/22 के सामने "04" के स्थान पर "05" पढ़ें।

बाँदपुर गाँव के स्तम्भ 6 के नीचे किला संख्या "10/9/2" के सामने "0" के स्थान पर "01" पढ़ें।

स्तम्भ 3 के नीचे किला संख्या "25/2/1" के स्थान पर "25/25/1" पढ़ें।

स्तम्भ 3 के नीचे किला संख्या "256" के स्थान पर "26" पढ़ें।

स्तम्भ 3 के नीचे किला संख्या "26" के स्थान पर "263" पढ़ें।

पृष्ठ संख्या 1055:—मिलानी पाना केशो के स्तम्भ 3 के नीचे किला संख्या "89/01" के स्थान पर "69/02" पढ़ें।

स्तम्भ 6 के नीचे किला संख्या 96/1 के सामने "12" के स्थान पर "13" पढ़ें।

पृष्ठ संख्या 1058:—झज्जर गाँव के स्तम्भ 3 के नीचे, किला संख्या "296/2/1/2/1" के स्थान पर "296/2/1/2" पढ़ें।

स्तम्भ 6 के नीचे, किला संख्या 348/2 के सामने, "25" के स्थान पर "58" पढ़ें।

पृष्ठ संख्या 1072:—अनुसूची में तहसील का नाम "गुहला" के स्थान पर "गुहला" पढ़ें।

पृष्ठ संख्या 1073:—कसोर गाँव के स्तम्भ 3 के नीचे, किला संख्या 01 के ऊपर संख्या "58" निवेश करें।

पृष्ठ संख्या 1075:—पबाना हुसनपुर गाँव के स्तम्भ के 8 के नीचे, किला संख्या 129/13/2 के सामने "53" के स्थान पर "52" पढ़ें।

पृष्ठ संख्या 1082:—जैतड़ावास गाँव स्तम्भ 5 के नीचे किला संख्या 19/1 के सामने "03" के स्थान पर "01" पढ़ें।

पृष्ठ संख्या 1083:—स्तम्भ 1 के नीचे, गाँव का नाम "असाका" के स्थान पर "हुसैनपुर" पढ़ें।

यथासंशोधित हुसैनपुर गाँव के स्तम्भ 6 के नीचे, किला संख्या 33/11 के सामने, "38" के स्थान पर "28" पढ़ें।

स्तम्भ 3 के नीचे, किला संख्या "46/9/1" के स्थान पर "46/9/1" पढ़ें।

पृष्ठ संख्या 1085:—गिन्दोखर गाँव के स्तम्भ 3 के नीचे किला संख्या "22/232" के स्थान पर "22/23/2" पढ़ें।

पृष्ठ संख्या 1087:—शेखपुर शिकारपुर गाँव के स्तम्भ 3 के नीचे एवं पंक्ति 16 में, किला संख्या "42/22" के स्थान पर "42/12" पढ़ें।

पृष्ठ संख्या 1088:—रोडाई गाँव के स्तम्भ 6 के नीचे, किला संख्या 23/14 के सामने, "33" के स्थान पर "13" पढ़ें।

पृष्ठ संख्या 1089:—रडाई गाँव के स्तम्भ 3 के नीचे, किला संख्या 61/16/1/2 के स्थान पर "61/16/1/1" पढ़ें।

स्तम्भ 6 के नीचे, किला संख्या 83/05 एवं 83/07 के सामने "13" एवं "13" के स्थान पर "51" एवं "37" पढ़ें।

स्तम्भ 6 के नीचे, किला संख्या 83/17 के सामने, संख्या "13" निवेश करें।

स्तम्भ 6 के नीचे, किला संख्या 83/24 के सामने "75" के स्थान पर "13" पढ़ें।

पृष्ठ संख्या 1090:—पहलावास गाँव के स्तम्भ 3 के नीचे किला संख्या "91/3/3" के स्थान पर "91/3/2" पढ़ें।

स्तम्भ 1 के नीचे, पहलावास गाँव एवं हुबबस्त संख्या 239 को, किला संख्या 16 के स्थान पर किला संख्या 20 में प्रारम्भ करें। यथा स्थानान्तरित "पहलावास" से संशोधित कर "पहलावास" पढ़ें।

पृष्ठ संख्या 1093:—फिहरी गाँव के स्तम्भ 3 के नीचे, किला संख्या "34/22/3" के स्थान पर "34/22/2" पढ़ें।

ऐसा भूमि में जिनकी बाबत उपयोग सम्बन्धित जारी किया गया है हितवद्ध कोई व्यक्ति इस अधिसूचना के जारी किए जाने के इकतीस दिन के भीतर उक्त भूमि के सम्पूर्ण या किसी भाग के, या उक्त ऐसी भूमि में या इस पर किसी अधिकार के अज्ञित किए जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार आक्षेप कर सकेगा,

स्पष्टीकरण:—केवल इस अधिसूचना के द्वारा संशोधित गाँव के नाम, किला संख्या व क्षेत्रफल की बाबत उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार, इकतीस दिन की उक्त अवधि अधिसूचना का प्रतिया जनता को उपलब्ध कराए जाने की तारीख से प्रारम्भ होगी।

[संख्या : धार-31015/19/92-ओ धार-1]

हुलदाय सिंह, अवर सचिव

New Delhi, the 1st March, 1993

S.O. 687.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 624, 628 and 629, dated the 22nd February, 1992, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 1060 to 1069, 1079 to 1081 and 1093 to 1103 respectively, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines "(Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notifications as follows :

at page 1060, in village Ahri, in column 3, for killa no. '11/2' read '11/1' in column 3, for killa no. '21/2/2' read '21/1/2' against killa no. 42/15/1, in column 6, insert centiare '52' against killa no. 42/23, in column 6, for '52' read '25';

at page 1061, in column 1, omit name of village Koka; in village Ahri, against killa no. 69/25/2, in column 6, for '15' read '51', in column 3, for killa no. '73/16/2' appearing for the first time read '73/16/1', in village Asadpur Khera, against killa no. 9/9/1, in column 5, for '0' read '01' in column 3, for

killa no. '20/1/1' read '20/20/1', in column 3, for killa no. '20/0' read '20/21', against killa no. 60/19/2, in column 5, for '50' read '05';

at page 1062, in village Chandpur, against killa no. 19/10, in column 5, for '03' read '02';

at page 1065, in village Silani Pana Zalim, against killa no. 17/16, in column 6, for '4' read '14';

at page 1066, in village Ihajjar, in column 3, for killa no. '6/01' read '6/10', against killa no. 6/11, in column 5, for '01' read '10';

at page 1067, in village Ihajjar, against killa no. 296/22/2, in column 6, for '50' read '02';

at page 1068, in village Kamalgarh, in column 3, for killa no. '11/91/1' read '11/19/1'; in village Gara-war, against killa no. 5/17, in column 6, for '26' read '62';

at page 1080, in column 1, for the name of village 'Bhuaini Majra' read 'Bhaini Majra'; in village Patti Kayath Seth, in column 3, for killa no. '52/7/2' read '52/9/2';

at page 1094, in village Asaka, against killa no. 108/12, in column 6, for '60' read '06'; in village Hussainpur, in column 3, for killa no. '15/10' read '15/10/1', in column 3, for killa no. '15/10/1' read '15/10/2' in column 3, for killa no. '46/101' read '46/10/1';

at page 1095, in village Qutabpur Maula, in column 3, for killa no. '30' read '302', in column 3, for killa no. '303' read '303/2';

at page 1096, in village Bhudpur, against killa no. 28/17/1, in column 6, for '3' read '30', against killa no. '42/2', in column 5, for '26' read '02';

at page 1098, in column 1, for the name of village 'Roorai' read 'Rohrai';

at page 1099, in so amended village 'Rohrai' against killa no. 70/15, in column 5, insert are '11';

at page 1102, in village Kohnora, in column 3, for killa no. '52' read '5/2', in village Kohnori, against killa no. 34/08, in column 6, for 62 read '63';

at page 1103, in village Kohnori, against killa no. 61/5/2, in column 6, for '85' read '58', against killa no. 61/6/1, in column 6, for '8' read '81', in column 3 for killa no. '84/00' read '84/2';

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

EXPLANATION :

In respect of the lands, killa nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act starts running from the date the notification is made available to the public after publication in the Gazette.

[No. R-31015/19/92-ORI]

KULDIP SINGH, Under Secy.

नई दिल्ली 1 मार्च, 1993

का शा. 688—केन्द्र सरकार ने पेट्रोलियम और खनिज विज्ञान विभाग (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा (3) उपधारा 1 के अधीन जारी और भारत के राजपत्र भाग-II, खण्ड-3, उपखण्ड (ii) पृष्ठ संख्यांक 1587 से 1589 में प्रकाशित भारत सरकार, पेट्रोलियम और खनिज विभाग पेट्रोलियम और प्राकृतिक गैस विभाग की अधिसूचना का.शा. 895 तारीख 21 मार्च, 1992 द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आदेश को सूचना दी थी;

और केन्द्रीय सरकार के आदेश में यह बताया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन से तदनुषंग और मृदा प्रकृति की कतिपय समस्याएँ उत्पन्न हुई हैं;

अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नांकित संशोधन करता है,

पृष्ठ संख्या 1587 द्वारा गाँव के स्तम्भ 2 के नीचे, एवं प्रथम पंक्ति में हदवन्त संख्या "17" निवेश करे।

पृष्ठ संख्या 1588: द्वारा गाँव के स्तम्भ 3 के नीचे खसरा संख्या "6570/2163" के स्थान पर "6570/2135" पढ़े।

स्तम्भ 6 के नीचे, खसरा संख्या 2246 एवं 2267 के सामने सामने "48" एवं "36" के स्थान पर क्रमशः "36" एवं "98" पढ़े।

ऐसी भूमि में जिसकी वास्तव उपयोगिता सहायक जानी किया गया है द्विचक्र कोई अधिकृत इस अधिसूचना के जारी किए जाने के तत्पश्चात् दिन के भीतर उक्त भूमि का सम्पूर्ण या किसी भाग के, या उक्त ऐसी भूमि में या इस पर किसी अधिकार के अर्जित किए जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार आदेश कर सकेगा,

स्पष्टीकरण:—केवल इस अधिसूचना के द्वारा संशोधित गाँव के नाम, किला संख्या व क्षेत्रफल की बाबत भारत अधिनियम की धारा 5 की उपधारा 1 के निबंधनों के अनुसार, तत्पश्चात् दिन की उक्त अधिसूचना की प्रतियाँ जनता की उपलब्ध करायें जाने की तारीख से प्रारम्भ होगी।

[संख्या: आर-31015/30/92-ओ आर1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 1st March, 1993

S.O. 688.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 895, dated the 21st March, 1990, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 1589 to 1591 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 1590, in village Chhara, against khasra no. 119, in column 5, for '11' read '01';

against khasra no. 5697/2190, in column 6, for '21' read '31';

at page 1591, in village Agarpur, against khasra no. 34/3, in column 5, insert "07";

against killa no. 34/3, in column 6, for "07" read "08";

in column 3, for killa no. '38/9/11' read "38/9/1".

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any

right in or over such land in terms of sub-section (1) of section 5 of the said Act.

EXPLANATION :

In respect of the lands, Khasra No. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act starts running from the date the notification is made available to the public after publication in the Gazette.

[No. R-31015/30/92-ORI]

KULDIP SINGH, Under Secy.

नई दिल्ली, 1 मार्च, 1993

का.आ. 689 :—केन्द्र सरकार ने पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिनियम का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (i) के अधीन जारी और भारत के राजपत्र भाग-2, खण्ड-3, उपखण्ड (ii) पृष्ठ संख्यांक 1591 से 1600 में प्रकाशित भारत सरकार, पेट्रोलियम और खनिज संवर्धन (पेट्रोलियम) और प्राकृतिक गैस विभाग की अधिसूचनाएं का.आ. 896 तारीख 21 मार्च, 1992 द्वारा इस अधिसूचना में संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार के ध्यान में बट्टा लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में टंकण और मुद्रण प्रकृति को कतिपय गलतियाँ हुई हैं;

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में संलग्न अनुसूची में निम्नलिखित संशोधन करती है;

पृष्ठ संख्या 1591: दृढबन्ध संख्या स्वम्भ के नीचे लिखे गांव के नाम "कुलताना" को स्वम्भ 1 के नीचे स्थानांतरित करें एवं स्वम्भ 1 के नीचे में संख्या 172 को निकाल दें।

यथा संशोधित कुलताना गांव के स्वम्भ 3 के नीचे, खसरा संख्या "1056/289" के स्थान पर "1856/289" पढ़ें।

स्वम्भ 6 के नीचे, खसरा संख्या 321 के सामने, "68" के स्थान पर "86" पढ़ें।

पृष्ठ संख्या 1592: कुलताना गांव के स्वम्भ 6 के नीचे, खसरा संख्या 1324 एवं 1405 के सामने, "03" एवं "35" के स्थान पर क्रमशः "01" एवं "38" पढ़ें।

इसमाईला 11 बिसवा गांव के स्वम्भ 5 के नीचे, किला संख्या 84/20/1 के सामने, "03" के स्थान पर "02" पढ़ें।

पृष्ठ संख्या 1593: इसमाईला 9 बिसवा गांव के स्वम्भ 6 के नीचे, किला संख्या 75/7 के सामने, "11" के स्थान पर "13" पढ़ें।

स्वम्भ 5 के नीचे, किला संख्या 75/17/2 के सामने, "08" के स्थान पर "07" पढ़ें।

स्वम्भ 6 के नीचे, किला संख्या 124/1 के सामने, "63" के स्थान पर "83" पढ़ें।

पृष्ठ संख्या 1595: साधरा गांव के स्वम्भ 6 के नीचे, किला संख्या 84/21 के सामने "26" के स्थान पर "25" पढ़ें।

पृष्ठ संख्या 1597: पाकसभा गांव के स्वम्भ 5 के नीचे, किला संख्या "2122" के स्थान पर "212/2" पढ़ें।

पृष्ठ संख्या 1598: रुटकी गांव के स्वम्भ 3 के नीचे, किला संख्या "56/72" के स्थान पर "56/7/2" पढ़ें।

पृष्ठ संख्या 1599: रुटकी गांव के स्वम्भ 43 के नीचे, किला संख्या "139/152" के स्थान पर "139/15/2" पढ़ें।

पाकगी गांव के स्वम्भ 5 एवं 6 के नीचे, किला संख्या "10/14/2" के सामने "11" एवं "38" के स्थान पर क्रमशः "01" एवं "52" पढ़ें।

स्वम्भ 5 एवं 6 के नीचे, किला संख्या "101/8/2" के सामने "01" एवं "52" के स्थान पर क्रमशः "11" एवं "38" पढ़ें।

पृष्ठ संख्या 1600: पाकगी गांव के स्वम्भ 6 के नीचे, किला संख्या "36/23/1" के सामने, "29" के स्थान पर "28" पढ़ें।

ऐसी भूमि में जिसकी वास्तव उपयोग यथोचित जारी किया गया है, हिलावद कोई व्यक्ति इस अधिसूचना के जारी किए जाने के तत्पश्चात् दिन के भीतर उक्त भूमि के अधिग्रहण या किसी भाग के, या उक्त ऐसी भूमि में या इन पर किसी अधिकार के प्रविष्ट किए जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार आशोध कर सकेगा।

स्पष्टीकरण :—केवल इस अधिसूचना के द्वारा संशोधित गांव के नाम, किला संख्या व क्षेत्रफल को बावत उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार, तत्पश्चात् दिन को उक्त अधिसूचना की प्रतियां जनता की उपलब्ध कराए जाने की ताराख से प्रारम्भ होगी।

[संख्या : आर-31015/30/92-अं.आर-I]

कुलदीप सिंह, अधीक्षक सचिव

New Delhi, the 1st March, 1993

S.O. 689.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 896 dated the 21st March, 1992, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at pages 1600 to 1607 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 1601, in village Kultana, against khasra no. 1178 in column 5, for '0' read '05' in col. 6, for '07' read

against khasra no. 1253, in column 5, for '07' read '09';

against khasra no. 1276 in col. 6, for '7' read '74', against khasra no. 1282, in col., for '47' read '49';

in col. 3, for khasra nos. '1745/1382' read '1745/1320/2';

in column 3, for khasra no. '1322' read '1324';

against khasra no. 1392, in col 5, for '2' read '24' in col. 3, for khasra no. '1752|1392' read '1752|1393',
 against khasra no. 1404, in column 5, for '0' read '05',
 against khasra no. 1413, in column 6, for '87' read '83';
 against khasra no. 1414, in column 6, for '33', read '73';
 against khasra no. 1422|2, in column 6, for '3' read '35';
 against khasra no. 1423, in column 6, for '4' read '45';
 in village Ismayila (11) Biswa, in column 3, for killa no. '110/5' read '110/5/2'.
 against killa no. 135|4|2, in column 6, for '28' read '25';
 against killa no. 136|17, in column 6, for '12' read '13';
 against killa no. 1012, in column 5, for '02' read '01',
 against killa no. 1012, in column 6, insert '27';
 at page 1602, in village Ismayilla (9) Biswa, against killa no. 73|24|1, in column 5, for '00' read '04';
 against killa no. 78|4|1, in column 5, for '00' read '04';
 in village Gandhra, against killa no. 19|14|1, in column 6, insert '83',
 at page 1603, in village Gandhra, against killa no. '107|1|1', in column 6, for '37' read '27';
 in column 3, for killa no. '1665|3|1' read '165|3|1'.
 in village Navpand against killa no. 23|22|1, in column 4, for '6' read '0';
 against killa no. 70|2, in column 6, for '3' read '37';
 at page 1604, in village Pakasman, against killa no. 104|1|2|1, in column 5, for '01' read '00',
 against killa no. 130|4, in column 6, for '65' read '62',
 at page 1605, in village Pakasman, against killa no. 140|13, in column 5, for '0', read '4',
 against killa no. 140|17, in column 5, for '0' read '2';
 against killa no. 140|18, in column 5, for '07' read '9';
 against killa no. 140|23, in column 6, for '6' read '62';
 against killa no. 205|1, in column 6, for '5' read '52';
 against killa no. 206, in column 6, for '5' read '52',
 in village Bhalote, against killa no. 105|25|2, in column 5, for '0' read '05';
 against killa no. 174|21, in column 6, for '05' read '55';
 in village Roorki, in column no. 2, for habbast no. '5' read '54',
 against killa no. 21|21|2|2, in column 5, for '0' read '02';
 against killa no. 33|16|2, in column 6, for '5' read '25';
 against killa no. 34|11, in column 6, for '38' read '8';
 at page 1606, in village Roorki, against killa no. 65|23|2, in column 5 for '0' read '01',
 against killa no. 160|22|1, in column 5, for '1' read '11',
 at page 1607, in village Polungi, against killa no. 10|7|1, in column 5, for '05' read '08';

Any person interested in any land in respect of which the above amendment has been issued may within twenty one days of the issue of this notification object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

Explanation—In respect of the lands, killa nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act starts running from the date the notification is made available to the public after publication in the Gazette.

[No. R-31015|30|92-OR-11]

KULDIP SINGH, Under Secy.

नियंत्रण विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 15 मार्च, 1993

का.आ. 690—केन्द्र सरकार का दिल्ली मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव, जसमें जनता की सूचना के लिए एन.डी.ए. द्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपात् हो या कोई सुझाव देना हो तो वह अपनी आपात् अथवा सुझाव सचिव, दिल्ली विकास प्राधिकरण, विकास भवन, "बी" ब्लॉक, आई.एन.ए., नई दिल्ली को इस नोटिस के जारी होने की तारीख से तीस दिनों की अवधि के अन्दर लिखित रूप में भेज सकता है। आपात् करने या सुझाव देने वाला व्यक्ति अपना नाम और पता भी दे।

संशोधन:

"उत्तर में वर्तमान काटे ट्रैक से, दक्षिण में जैनपुर नाले, पूर्व में एन डाइक क्षेत्र के बाँत (चरण-II) से और पश्चिम में जैनपुर से एन डाइक क्षेत्र, फेज-1 तक के नाले से घिर लगभग 26 हेक्टेयर (64.22 एकड़) क्षेत्र के भूमि उपयोग का "कृषि एवं जल निकास" (उपयोग ज़ोन-ए-4) से "निर्माण (उपयोग ज़ोन एम-1) में बदलने का प्रस्ताव है।"

2. प्रस्तावित संशोधन को दर्शाने वाला नक्शा निरीक्षण के लिए उपनिदेशक, मुख्य योजना अनुभाग, विकास मंत्रालय, छठा मंजिला, आई.एन.ए., नई दिल्ली के कार्यालय में उक्त अवधि के अन्दर सभा कार्य-दिनों का उपलब्ध होगा।

[स. एफ. 3(56)/89-एम.पी. पार्ट-1]

रजबीर सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY PUBLIC NOTICE

New Delhi, the 15th March, 1993

S.O. 690.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring, about 26 ha. (64.22 acres) bounded by existing cart track in the North, Jaitpur drain in the South, Band of Ash Dyke Area (Phase III) in the East, and drain from Jaitpur to Ash Dyke Area Phase-I in the West, is proposed to be changed from 'agricultural and water body' (Use Zone A-4) to 'manufacturing' (Use Zone M-1)".

2. The plan indicating the proposed modification will be available for inspection at the office of Deputy Director, Master Plan Section, Vikas Minar, 6th Floor, I.P. Estate, New Delhi, on all working days within the period referred to above.

[No. F. 3(56)/89-M.P. Pt. 1]

RANBIR SINGH, Secy

रजदीप

नई दिल्ली, 15 मार्च, 1993

का.आ. 691.—भारत के राजपत्र भाग II खंड 3, खण्ड (ii) में और सप्ताहपत्रों में दिनांक 27-3-1993 को प्रकाशित सार्वजनिक सूचना का.एफ. 16(89)/81-एम.पी. के पैग 13 की निम्नलिखित सूचना

"प्रार्थना श्रम सुभाष विधि का वे सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, 'बी' ब्लॉक, आई.एन.ए., नई दिल्ली के पास दिनांक 28-3-93 तक भेजे जा सकते हैं।

[स. एफ. 16(89) 81-एमपी]

रामबीर सिंह, सचिव

CORRIGENDUM

New Delhi, the 15th March, 1993

S.O. 691.—Para '3' of the Public Notice No. F. 16(89)/1-MP which has been published in the Gazette of India, Part II section-3 sub-section (i) as well as newspapers on 17-2-93 should be read as under :—

3. "The objection or suggestion may be sent in writing to the Secretary, Delhi Development Authority Vikas Sadan, 'B' Block, I.N.A., New Delhi, by 28-3-93."

[No. F. 16(89)/81-MP]

RANBIR SINGH, Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 26 फरवरी, 1993

का.प्र. 692.—जलदिन (प्रमाणित) नियमावली, 1983 के नियम 7 और 4 के साथ पठित श्रमविवाद अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा पदम शक्तियों का प्रयोग करने द्वारा तथा इस मंत्रालय की अधिगचनाओं नं. 809/5/91-एफ(सी) दिनांक 30-9-91 तथा नं. 809/9/92-एफ(सी) दिनांक 15-5-92, 27-8-82, 22-9-92, 28-12-92 तथा 23-2-93 के अनुक्रम में केन्द्रीय सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से अगले आदेशों तक केन्द्रीय फिल्म बोर्ड के सहायक सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है।

1. श्री के. मोगनराजू,
40, टी.के. एन. नगर,
पुदुपेट, गुडीयात्तम
2. श्री सी.एस. सेल्वराज,
सायारपुरम हाफर,
श्री वैकुण्ठम, बी.ओ.सी. जिला
3. श्री सी. पाण्डुरंग,
कुण्णपुरम कॉलोनी,
भारिनेट्टु, मदुरै-625011

[फाईन नं. 809/9/92-एफ(सी)]

एस. लक्ष्मी नारायणन, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 26th February, 1993

S.O. 692.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules 1983 and in continuation of this Ministry's Notifications No. 809/5/91-F(C) dated 30-9-91 and No. 809/9/92-F(C) dated 15-5-92, 27-8-92, 22-9-92, 28-12-92 and 23-2-93, the Central Government is pleased to appoint the following persons as members of the Madras advisory panel of the Central Board of Film Certification with immediate effect and until further orders :—

1. Shri K. Moganaraju,
40 T.K.M. Nagar,
Pudupet,
Gudiyattam,
2. Shri C. S. Selvaraj,
Sayarpuram P.O.,
Srivaikuntam,
V.O.C. District.

3. Shri V. Pandian,
Krishnapuram Colony,
Narimedu,
Madurai-625011.

[F. No. 809/9/92-F(C)]

S. LAKSHMI NARAYAN, Jt. Secy.

नई दिल्ली, 5 मार्च, 1993

का.प्र. 693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुक्रम में, केन्द्रीय सरकार फूड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रशासन के संवर्द्धन नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-93 को प्राप्त हुआ था।

[संख्या एन-12018/14/88-डी IV(बी)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 5th March, 1993

S.O. 693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 4-3-93.

[No. L-42018/14/88-D.IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-1 AT HYDERABAD

PRESENT :

Sri Venkatachalam, M.A., B.L., Chairman.

Dated the Fifth day of February, nineteen hundred ninety three

I.D. No. 21 of 1989

BETWEEN :

The Workmen of Food Corporation of India, Satennapalli (A.P.).
.. Petitioner.

AND

The Management of Food Corporation of India, Satennapalli (A.P.).
.. Respondent.

APPEARANCES :

M/s. Mirza Munawwar Ali Baig,
G. Purushotham Reddy &
J. Nandu Kishore, Advocates,
for the workmen|Petitioner.

Sri. K. Sayanarayana Rao, Advocate—for the Management|Respondent.

AWARD

This reference is referred to Government of India, Ministry of Labour vide letter No. L-42018(14)/88-D IV(B) dated 9-2-1989 for adjudication of the dispute between the Management of Food Corporation of India, Satennapalli (AP) and their workman with the following Annexure :

"Whether the action of the Management of Food Corporation of India, Satennapalli in terminating the services of Sri T. Rama Prasad, Ex. Workman without following the provisions of the I.D. Act,

1947, is justified? If not, to what relief the workman concerned is entitled?"

2. The said reference is registered as I.D. No. 21 of 1989 in this Tribunal and notices were sent to both parties. The workman filed Claim Statement wherein he stated that the Management referred his name for the post of Kalasi in the Office of the Joint Manager, (Port Operation), at Madras. He was also sent for interview by the management. During that time the claimant developed severe pain in the eyes followed by head ache and blurred vision. The Claimant therefore has to undergo treatment. In August 1982 the claimant applied for leave to undergo treatment. He was permitted to go on leave. But surprisingly the claimant had received a letter from Modern Rice Mill, Sattenapalli by order dated 27-8-82, intimating that the claimant was removed from service. Immediately after the workman approached the Manager, Modern Rice Mill at Sattenapalli and also the management at Guntur. He was informed by the management that as he was already removed from service it is not possible to absorb him into service immediately. But they will try to absorb in future. The action taken by the management terminating the services of the workman without any reason or justification is not valid under law and it amounts to victimisation and unfair labour practice and also violation of provisions of Sec. 25(F) of I.D. Act. The retrenchment benefits were not paid to him and no notice was served on him. Therefore the order of the management in terminating the services of the workman may be set aside and the award may be passed accordingly.

3. The Respondent filed the Counter wherein it contended that all the material averments of the claim statement filed by the workman are not true. In fact, the workman is engaged as Casual Labourer through office order dated 6-7-77. The claimant was enrolled as member of Contributory Provident Fund. The contention of the workman that he became sick and vision was not normal and he undergone treatment in the year 1982 is basically false. The workman was irregular in attendance. The workman worked for 8 days in February, 1982, 11 days in March, 1982, 13 days in 82 and 3 days in May 1982. Thereafter he did not attend to duty. The contention of the workman that he was removed from service is not correct. The workman was not removed from service with any valid reason. There is no victimisation and unfair labour practice on the Part of Respondent. The claimant himself discontinued his employment from June, 1982. The claimant for the first time raised a dispute before the Conciliation Officer on 19-6-1987 which clearly shows that the demand made is an after thought. The claimant discontinued his employment in June, 1982 and after a lapse of over 5 years the workman raised this dispute. There is no point in favour of the workman and the award may be passed accordingly.

4. On behalf of the workman WW1 is examined and exhibits V1 is marked. On behalf of the Management MW1 is examined and exhibits M1 to M4 are marked. WW1 in his evidence stated that his name was sponsored by Employment Exchange and he appeared for the interview. Thereafter he was given appointment in Modern Rice Mill at Sattenapalli. He attended duty till the year 1982. He was contributing for the G.P.F. also. At the time of appointment he was given an order by the management but it was mentioned that the appointment is only purely temporary. He did not abstain from duty but applied leave as and when he naturally go on leave. In the year 1982 he became sick. Therefore he did not attend to duty. Thereafter the management sent him twice for selection for the post of Kalasi of Madras Port Operation once in the year 1977 and again in the year 1982. He attended those interviews. The management did not inform him as to why his services were terminated. Therefore a direction will be given to the respondent to reinstate him.

MW1 gave evidence proving the contents of the Counter filed by the management. He stated that the petitioner was first appointed as Casual Labourer on daily wages. He worked for a period of 89 days under Ex. M2. After expiry of that period the petitioner was being appointed as and when the work is available. The petitioner last worked in June, 1982. He further gave evidence that his services

were terminated. After issue of notice under Ex. M3 the petitioner never approached the respondent. The petitioner thereafter approached the Asstt. Commissioner of Labour at Vijayawada for the first time in the year 1987. The petitioner is not entitled for the relief sought for and the award may be passed accordingly.

5. The petitioner filed written arguments whereas the respondent did not file any written arguments or he did not argue the matter in the Court to advocate the case of the management. In the written arguments the claimant stated with regard to his appointment and also how he suffered and how the management illegally terminated him. He further stated that the workman continuously worked for a period of 5 years. He was regular labour under Ex. M3. Therefore his services should not be terminated without complying with the provisions under Sec. 25(F) of I.D. Act. Even in the Counter filed by the Respondent, there is no such contention that Sec. 25(F) is not applicable because he is a casual labour and that he did not put up 240 days of continuous service in any calendar year. It is further stated in the written arguments para 3 of the Counter the management has taken the stand that "The Claimant was not removed from service and Section 25(F) of I.D. Act is not applicable to the present case." If it is correct, the management must have recorded the same in the office records to that aspect. The management must infer the labour authorities. It is whether workman abandoned his work. The management did not produce any record to show that the name of the workman was removed from the record or that he ceased to be an employee of the corporation for the particular day. He added that the management served notice on 27-8-1982 intimating claimant and some others that the claimant and some others are not attending to the shift duties causing dislocation of the work. The workman was contributing G.P.F. If he removed from services the management should take step to pay back the C.P.F. amount due to the workman. Till this day the management is silent on this matter. Therefore the workman may be reinstated.

6. The point for consideration is whether there are any valid grounds to find that the action of the management of F.C.I. Sattenapalli in terminating the services of Sri T. Rama Prasad, Ex-Workman without following the provisions of I.D. Act is justified or not?

7. At the very outset I would like to mention that the workman who raised this dispute and who filed the claim statement in the Tribunal appeared before this Tribunal and examined himself as WW1. The workman proved the content of claim statement in his evidence. There is no dispute to the effect that he was originally appointed in the respondent Rice Mill. But the only dispute is that the workman says that he discontinued to attend to duty on account of his sickness whereas the management says that it is a case of abandonment of job. WW1 in his evidence categorically admitted that after termination of his services he was employed in Hyderabad in a private Factory on daily wages. As per Ex. M4 the workman has subsequently employed in Hyderabad and as such the workman is not entitled for any back wages. Having considered the facts and circumstances of this case I am of the clear opinion that the ends of the justice will be met if the workman is appointed afresh without any back wages or any attendant benefits.

8. In the result I find that the action of the management of F.C.I. Sattenapalli in terminating the services of Sri T. Rama Prasad, Ex-Workman without following the provisions of I.D. Act, 1947 is not justified. The respondent is directed to appoint the workman afresh as Regular Labour. The workman is not entitled for any back wages or any attendant benefits. The Award is passed accordingly.

Dictated to the Stenographer and transcribed by him and corrected by me and given under my hand and Seal of this Tribunal on this the 5th day of February, 1993.

Y. VENKATACHALAM, Chairman.

Appendix of Evidence

Witnesses examined on behalf of the Petitioner/Workman

1. W.W/ I. Rama Prasad.

Witnesses examined on behalf of the Respondent/Management.

1. M.W/ C. Bhaskara Ram Reddy.

Documents marked for the workman/petitioner

1. Ex. W1/26-3-83—Photostat copy of the Admission to C.P.F. assignment of Account number.

Documents marked for the Management/Respondent.

1. Ex. M1/8-11-84—Photostat copy of the letter dated 8-11-84 from T. Rama Prasad to the Unit Manager, Food Corporation of India, Sattenapalli with regard to Sanction of C.P.F. arrears.

2. Ex. M2/6-7-77—Photostat copy of the Office Order No. AB(4)/76-77 dt. 6-7-77 issued by the Unit Manager, F.C.I., Modern Rice Mill, Sattenapalli with regard to appointment of Class IV Staff on Daily Wages Basis.

3. Ex. M3 27-8-82.—Photostat copy of the Notice issued by the Unit Manager stating that regular casual labourers are not attending to the shift duties causing dislocation of the work and as such their services were no longer required in F.C.I.

4. Ex. M5/5-4-89—Office copy of the letter issued by the Manager Personnel, PFIMEX INTERNATIONAL LTD., Sacunderabad to the Deputy Manager (Personnel), F.C.I. with regard to Shri T. Rama Prasad.

नई दिल्ली, 5 मार्च, 1993

का.आ. 694.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोडेपुर कोलियरी आफ मैसर्स ई सी एल. के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धामनमोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-93 को प्राप्त हुआ था।

[संख्या एल-19012/5/85-D.IV (B)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th March, 1993

S.O. 694.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sodepur Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 4-3-1993.

[No. L-19012/5/85-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 3/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Sodepur Colliery of M/s. E.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workman—Shri C. D. Dwevedi, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 23rd February, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred the dispute to the Central Government Industrial Tribunal, Calcutta vide Ministry's Order No. L-19012/5/85-D.IV (B) dated the 9th July, 1986. Subsequently the dispute has been transferred by the Ministry to this Tribunal for adjudication vide Ministry's Order No. L-19012/5/85-D.IV (B) dated the 9th October, 1992.

SCHEDULE

"Whether the action of the Management in not allowing the workman Shri Gaya Nunia to resume duty on 7-6-1977 after release from Jail, particularly when other employees detained under M.I.S.A. have been reinstated is justified? If not, to what relief the workman concerned is entitled?"

2. Today (23-2-93) Shri C. D. Dwevedi, learned Advocate for the workman submits that he has no instruction from his client to proceed with the case. He has endorsed to that effect in the order sheet.

The concerned workman is also not present in the Court.

3. In view of the circumstances I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

[नई दिल्ली, 5 मार्च, 1993]

का.आ. 695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कालिहारी (आर) कोलियरी आफ मैसर्स ई सी एल. के प्रबन्धनत्व के तहबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धामनमोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2/3/93 को प्राप्त हुआ था।

[संख्या एल-22012/201/92-आर्डर आर (सी II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th March, 1993

S.O. 695.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kalipahari (R) Colliery of M/s. E.C. Ltd and their workman, which was received by the Central Government on 2-3-1993.

[No. L-22012/201/92 IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 9/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Kalipahari
(R) Colliery of M/s. E.C. Ltd.,
AND
Their workman.

APPEARANCES :

For the Employers—None.
For the Workman—None.

INDUSTRY : Coal STATE : West Bengal
Dated, the 9th February, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/201/92-IR (C-II) dated the 14th January, 1993.

SCHEDULE

"Whether the action of the management of Kalipahari (R) Colliery in issuing premature superannuation notice and hereby terminating the services of Shri J. K. Mehta is justified? If not, to what relief is the concerned workman entitled to?"

2. This order of Reference was received by this Tribunal on 21-1-93. Then a regd. notice was sent to both the parties asking them to file written statement on 9-2-93 (to day). The regd. notice upon the management was served on 28-1-93 and the same was served on the General Secretary of the union on 29-1-93 as it appears from the A/D card received back. But today (9-2-93) both the parties are absent and no step is taken by either of the parties. So it appears to me that the union is no longer interested to proceed with the case.

3. In the circumstances I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 5 मार्च, 1993

का.सा. 696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार केन्द्रा कोलिरी म/s. मैसर्स ई सी एल. के प्रबन्धन के संबद्ध निवासकों और उनके सर्वकारों के बीच, अन्वये में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिष्ठापण, आसनसोल के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/3/93 को प्राप्त हुआ था।

[संख्या एल-24012/214/87-डी IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th March, 1993

S.O. 696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure to the management of Kendra Colliery of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 4-3-1993.

[No. L-24012/214/87-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 27/88

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Kendra
Colliery of Ms. E.C. Ltd.
AND
Their workman.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.
For the Workmen—Shri C. S. Mukherjee, Advocate.
INDUSTRY : Coal STATE : West Bengal

Dated, the 19th February, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(214)/87-D.IV(B) dated the 16th February, 1988.

SCHEDULE

"Whether the action of the Management of Kendra Colliery of M/s. E.C. Ltd., P.O. Pandaveswar Dist. Burdwan in stopping S/Shri Md. Ilias, Md. Idris, Md. Kasim and Bhola Nunia from their work, is justified? If not, to what relief are the concerned workmen entitled to?"

2. The case of the union in brief is that all the four concerned workmen viz. S/Sri Md. Ilias, Md. Idris, Md. Kasim and Bhola Nunia were employed in Kendra Colliery before take over of the Collieries by the Government and they had been working there till they were stopped work w.e.f. 22-3-77. The concerned workmen were detailed to work in various capacities from time to time on the basis of written order. On such order the concerned workmen worked at different places and they were paid their wages by the management on payment sheets. On 22-3-77 the concerned workmen were refused work without any notice or reason whatsoever.

3. The workmen raised industrial dispute after 22-3-77 through their union and the attempts of conciliation failed. The matter was sent to the Ministry of Labour, Government of India and ultimately the dispute has been referred to this Tribunal for adjudication.

4. The management has filed written objection contending inter-alia that the management never engaged those four workmen for performing any work in any capacity and the management never paid any wage to the said persons on pay sheets as claimed by them. The company engaged petty contractors and they were awarded with certain contract job in the Colliery. It may be that those four persons might have been engaged by the said contractors. Their employment was not given by the company. The management has no concern with their services and the question of refusal of work by the management on and from 22-3-77 does not arise at all. The management has denied the other material statements made by the union in their written statement.

5. The points to be decided are—

- whether the concerned persons worked in Kendra Colliery in any capacity for any period.
- whether the concerned persons were permanent employees of the management and the wages were paid to them directly by the management or through contractors.

6. Both the points are taken up together for the sake of convenience. It is the case of the union that those four workmen were employed in the Colliery from before nationalisation and they had been working there till 22-3-77. It is the further case of the union that the concerned workmen were detailed to work in various capacity from time to time and on the basis of written orders the concerned workmen worked at different places and they were paid their wages by the employer on payment sheets (Pages 1 and 2 of the written statement).

In this case one of the concerned workman Md. Idris has been examined as WW-1. He has claimed that all of them were employees of Ramnagar 2 or Kendra Colliery and they worked upto 22-3-77 and thereafter their services were terminated. He has further stated that the Pit Manager used to depute them for work and he used to issue slips as job vouchers. In cross-examination he has stated that 'we worked under no work no pay system. There was no break in our service excepting a day or two in a month. Everyday we were granted job vouchers by the Pit Manager. The Manager used to grant us such vouchers. But he did not grant such vouchers to other workers of the Colliery'. He has stated 'we were granted daily vouchers for all the days we worked from February 1971 to 22nd March, 1977' (page 2 of the deposition of WW-1). Sri Hiralal Roy a Mining Sirdar of another Pit has been examined as WW-2 in this case. He has stated that those four workmen continuously worked in the Colliery like other employees. But in view of the documents (Exts. W-1 to W-1/69) the statement made by the witness is to be taken with a grain of salt. The order is upon the workmen to show that they were permanent employees of the Colliery or atleast they continuously worked in the Colliery as claimed by them. They have used the job vouchers Exts. W-1 to W-69 from which I find that the four concerned workmen worked sometime in February 1977 and March, 1977 in different capacity namely, T. Mazdoor, Expl. Carrier, Trammer etc., and in different shifts as Badli (substitute) workers in absence of other workers. For example, I like to quote one such voucher as under :

worked as T. Maz. in place of Bedi Deme who was on leave in third shift on 1-3-77 at Ram-Colliery 2 Pit" (Ext. W-1).

Almost all the job vouchers read so. In a very few cases they were given independent work as I find from Ext. W-1/39. The job vouchers clearly show that the present workmen never worked continuously in any post.

From the job vouchers I have no hesitation to hold that these four workmen worked for the management for some period. Md. Idris as WW-1 has admitted in cross examination that they were not granted identity cards after nationalisation like other workmen. They were not members of Coal Mines Provident Fund so long they worked and they never contributed towards any Provident Fund though it is known to him that all other regular employees of the Colliery have Provident Fund Account.

7. On the prayer of the union the learned Advocate for the union held a joint inspection of records in the Colliery. But the union could not bring out any document from the Colliery to show that the present workmen worked in the Colliery in a permanent capacity or any capacity. Sri C. S. Mukherjee the learned Advocate for the union has cited before me the cases reported in 1978 Lab. I.C. (S.C.) page 1264 (commonly known as Hussainbhai's case) and the case reported in 1962 (II) L.L.J. (S.C.) page 356. Shri Mukherjee has urged before me with all force that the principles laid down in Hussainbhai's case will be applicable in the instant case. The relevant portion of that case reads as follows :

"Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex-contractu is of no consequence when, on lifting the veil or looking employment, it is found, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate contractor."

I like to say that every case comes with some peculiarity of its own. After perusal of the facts of Hussainbhai's case I find that the same do not tally with the facts of the present case. In the instant case there is no evidence to show that the present workmen continuously worked in the Colliery in any post or in any capacity. But in Hussainbhai's case the fact is otherwise. So I find that the principles laid down in the above cases cannot be made applicable in the instant case.

Sri P. K. Das the learned Advocate for the management has cited before me the case reported in AIR 1985 (S.C.) page 409. By placing that case he has urged before me that in the instant case the present workmen were employees under the contractors. So the principles laid down in the above must be made applicable in the instant case. With due respect to his contention I like to say that the burden of proof is upon the management to show that the present workmen worked in the Colliery under contractors. But the management has signally failed to do so. From the materials on record and the facts and circumstances I find that the present workmen worked in the Colliery as casual badli/substitute workers and they did the job or permanent nature whenever required by the management. There is no documentary evidence from the side of the management to show that they were contract labourers. The statement of MW-1 Sri Binay Kumar Bhattacharjee on the point is not convincing. So it must be held that they were directly engaged by the management whenever required and the management made direct payment to them.

8. To sum up I find that the present concerned workmen were casual, badli/substitute workers of Kendra Colliery directly under the management. But there is no evidence to show that they continuously worked for a period of 240 days. I find that they were not contract labourers.

9. In the result, I find that the action of the management in stopping the work of S/Shri Md. Ilias, Md. Idris, Md. Kasim and Bhola Nunia was not justified. The management give them employment as before.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 5 मार्च, 1993

का.आ. 697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खन्दरा कोलियरी प्राफ मैसर्स ई सी लि. के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्राधिकरण आइसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/3/93 को प्राप्त हुआ था।

[संख्या एल-19012/77/83-डी IV(B)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th March, 1993

S.O. 697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Khandra Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 4-3-1993.

[No. L-19012/77/83-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 5/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Khandra Colliery of M/s. E.C. Ltd., P.O. Ukhra, Dist. Burdwan.

AND

Their workman.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workman—Shri C. D. Dwevedi, Advocate.

INDUSTRY : Coal STATE : West Bengal

Dated, the 24th February, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Central Government Industrial Tribunal, Calcutta for adjudication vide Ministry's Order No. L-19012/77/83-D.IV (B) dated 28-6-84. Subsequently the dispute has been transferred to this Tribunal by the Ministry for adjudication vide Ministry's Order No. L-19012/77/83-D.IV (B) dated 23-11-1992.

SCHEDULE

"Whether the action of the Management of Khandra Colliery of E.C. Ltd., P.O. Ukhra, Dist. Burdwan, was justified in superannuating Shri Shankarlal J. Pandya, their workman, w.e.f. 26-11-81? If not, to what relief the workman is entitled?"

2. The case of the union in brief is that Late Shankarlal J. Pandya was an employee of V. K. Unit of Khandra Colliery from before nationalisation. At the time of entry in the service before nationalisation his date of birth was correctly recorded in the Form B Register as 14-10-1926. After nationalisation a fresh Form B Register was prepared and in that Form B register his age was shown as 38 years on 1-1-64. There was interpolation in the said Form B Register and 38 was written as "48". In 1980 the workman was referred to Age Determination Committee and on 25-11-80 the workman was examined by a Medical Board and he was found as aged 59 years and his date of birth was assessed as 25-11-1921. The workman was not satisfied with such assessment and there was heavy pressure from the union and also from the workman on the management to make fresh assessment of the age. On such pressure the management referred the workman again to Age Determination Committee for fresh determination of his age. Accordingly on 1-7-81 the workman was again examined by the Medical Board and he was found aged 57 years on 1-7-81. The management did not accept the second assessment and on the basis of the first assessment the management superannuated the workman w.e.f. 26-11-81.

3. The workman raised dispute through union. But the attempts of conciliation failed. The matter was referred to the Ministry of Labour, Government of India and the Ministry of Labour ultimately referred the dispute to the Central Government Industrial Tribunal, Calcutta. The Central Government Industrial Tribunal, Calcutta received the Reference case on 6-7-84 and the case was pending there. By an order dated 23-11-92 the Ministry of Labour has transferred this case to this Tribunal and this Tribunal has received the case on transfer on 6-1-93.

4. The case of the management in brief is that as there was interpolation in the entry of the Form B register with respect to the age of the workman (Ext. M-1) the management referred this workman to Age Determination Committee and on 25-11-80 the workman was examined by the Medical Board and he was found aged 59 years on the date of examination and accordingly the management recorded his date of birth as 25-11-1921 in the Form B Register. Then the union and the workman moved the Agent of the Colliery for fresh determination of his age. The Agent referred his case to second Age Determination Committee and accordingly the workman was examined by the Medical Board on 1-7-81 and he was found aged 57 years on the date of examination. A report of the second Age Determination Committee (Area Medical Board) was sent to the General Manager of the Area for approval of the same. But the General Manager did not accept the age determined by the second Age Determination Committee. The management relied upon the age determined by the first Age Determination Committee and he was rightly superannuated from service w.e.f. 26-11-81.

The workman claimed his date of birth as 14-10-1926. But he has failed to produce any document. So the workman is not entitled to get any relief in this case.

5. During the pendency of this case the workman concerned died. The matter was taken up by the learned Judge of the Calcutta Tribunal and the Calcutta Tribunal permitted the union to proceed with the case even after the death of the concerned workman.

6. At the initial stage the management raised an objection that the union had no locus-standi to spouse the dispute on behalf of the workman. The union has submitted the relevant documents to substantiate that the union had the locus-standi to spouse the dispute on behalf of the workman. This point is no longer challenged by the management. It is found that the union has the locus-standi to spouse the dispute on behalf of the workman.

Be that as it may, even for the sake of argument if it is found that the union had no locus-standi in that event also I find that in view of the provisions of Section 2-A of the Industrial Disputes Act the present case is maintainable as the question of termination of service of the workman is involved in this case.

7. Admittedly Shankarlal J. Pandya was an employee of V. K. Unit of Kendra Colliery before nationalisation. The workman claim that his date of birth was 14-10-1926 and the same was recorded in the Form B Register of the erstwhile management. The workman or the union could not produce any iota of evidence to substantiate this claim. Document was called for from the Coal Mines Provident Fund but it has been reported from that corner that no document with respect to this workman is traceable there. I find that the union has failed to prove that the date of birth of the workman was 14-10-1926.

It is the case of the management that the date of birth of this workman was not correctly recorded in the Form B Register and there was interpolation in the Form B Register prepared by the present management of Eastern Coalfields Ltd. (Ext. M-1). The union called for the original Form B Register prepared by the erstwhile management but the present management has failed to produce the same. But that does not prove that the date of birth of the workman was 14-10-1926. It appears that as there was interpolation in the Form B Register (Ext. M-1), the management referred the workman to Area Medical Board (Age Determination Committee) and the workman was examined on 25-11-80. On that date the workman was found aged 59 years and his date of birth was ascertained as 25-11-1921 and a fresh entry was made in the Form B Register accordingly. But the workman was not satisfied with such assessment. He demanded for further examination. The Agent of the Colliery referred the workman to second Age Determination Committee (Area Medical Board) and the workman was examined by such Area Medical Board on 1-7-81 and he was found aged 57 years. Accordingly a report was submitted to that effect to the General Manager of the Area for approval of the same. But the General Manager did not approve the same vide his Note Sheet (Ext. M-4). Sri B. N. Lala the learned Advocate for the management has urged before me with all force that the Agent had no authority to refer the workman for fresh determination of his age without approval of the General Manager. He has further urged before me that as the General Manager has not accepted the report of the second Age Determination Committee the workman is not entitled to get any relief. Sri B. N. Lala has urged before me that this workman was rightly superannuated w.e.f. 26-11-81 as he attained the age of 60 years on that date.

8. Sri C. D. Dwevedi the learned Advocate for the union has urged before me with all force that there may be a fight between the right of the Agent and the General Manager, but legally the workman cannot be deprived from the benefit of the assessment of his age made by the second Medical Board to whom he was referred by the Agent. According to Sri Dwevedi the Agent of the Colliery is the competent authority to refer one workman to Area Medical Board.

9. I find that the original Form B Register of the erstwhile management has not come before this Tribunal. No reliance can be put upon the entry of the Form Register prepared by the present management as there is no note on what

basis the age of the workman was noted in this register. Moreover, there is interpolation. I find that the workman was referred to second Area Medical Board by the Agent who is a responsible officer of the management under the Mines Act. The management has no right to brush aside the same on the plea that he had no authority to refer the workman to second Area Medical Board or the same has not been accepted/approved by the General Manager. I find that the management is bound by the result of the second Area Medical Board which found that the present workman was aged 57 years on 1-7-81. Accordingly I find that the action of the management in superannuating Shankarlal J. Pandya w.e.f. 26-11-81 was not justified. I find that according to the result of the second Area Medical Board Shankarlal J. Pandya attained the age of 60 years on 1-7-84. So the management must pay full wages and other consequential benefits to the legal heirs of the deceased workman from 26-11-81 to 30-6-84.

10. For taking payment the legal heirs shall have to produce Succession Certificate before the management. After receipt of the Award from the Ministry the Management shall determine the dues of the deceased workman and intimate the same to the union within three months from the date of receipt of the award. The management shall make payment within three months from the date of production of Succession Certificate for the amount intimated by the management failing which the management shall have to pay 12% (twelve percent) interest on the assessed amount from the date of expiry of the period of three months from the date of production of Succession Certificate.

This is my Award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 5 मार्च, 1992

का.आ. 698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार पेरघिसा कोलियारी आफ मैनेजर्स ई. सी. लि. के प्रकल्पन से सबूत निवेदनकों और उनके कर्मचारों के बीच, अनुवर्ण में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण उत्तरप्रदेश के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-3-92 को प्राप्त हुआ था।

[संख्या एल-22012/422/91 आई. आर (सी. II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th March, 1993

S.O. 698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Parbelia Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 4-3-1993.

[No. L-22012/422/91-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL.

Reference No. 29/92

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Parbelia Colliery of M/s. E.C. Ltd.,

AND

Their Workman.

APPEARANCES :

For the Employers—Shri B. N. Lal, Advocate.

For the Workman—Shri Samitan Chakravarty representative of Union.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 18th February, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/422/91-IR (C-II) dated the 18th June, 1992

SCHEDULE

"Whether the action of the Agent, Parbelia Colliery, E.C. Ltd., P.O. Neturia, Dist. Purulia, in terminating the services of Shri Old Seikh, Stone Cutter, Dubeswari Project, is justified? If not, to what relief is the concerned workman entitled to?"

2. The case of the union in brief is that the concerned workman Shri Old Seikh was appointed in the service of Colliery in 1960 at the time of erstwhile Management and at the time of entry in the service his year of birth was recorded in the statutory Form B Register as 1936. At the time of entry in the service the age of the workman was 24 years. The said original Form B Register is in the custody of the present management of M/s. Eastern Coalfields Ltd. In 1975 the Eastern Coalfields Ltd., prepared a new Form B Register and recorded the year of birth of this workman as 1930 and the workman was informed about the same in 1987. The workman raised objection, but to no effect. He was superannuated from service w.e.f. 1-7-90.

3. The union raised a dispute by addressing a letter dated 16th/26th March, 1990 to the Chief Personnel Manager Eastern Coalfields Ltd., Sanctoria demanding redress. But to no effect. The workman is an illiterate person. He raised objection against the recording of his age as indicated in the service excerpts. As per old Form B Register the workman is scheduled to retire in 1996.

4. Lastly the attempts of conciliation failed. The matter was sent to the Ministry of Labour, Government of India and ultimately the dispute has been referred to this Tribunal for adjudication.

5. The management has filed written objection contending inter-alia that the present union has no locus-standi to raise or sponsor the dispute on behalf of the present workman. The workman was rightly superannuated w.e.f. 1-7-90 on attaining the age of 60 years and before such superannuation he was served with the service excerpts and termination Notice. But he did not raise any objection. It is not true that his year of birth was originally recorded as 1936. According to the management his year of birth is 1930 as per Form B Register prepared by the management.

6. At the very outset Shri B. N. Lal, learned Advocate for the management has urged before me that the present union has no locus-standi to raise the dispute on behalf of the workman. The management has taken this plea in their written statement. But the union has not filed any document to prove that the workman is a member of the union and the union has the locus-standi. The concerned workman has been examined in this case as WW-1, but he is silent on this point. So considering the materials on record and the facts and circumstances I have no hesitation to hold management. So I find that the union has no locus-standi to raise the dispute of this workman.

Be that as it may, it is functionally a case of termination of service. In such a case the workman himself has a right to raise a dispute in view of the provision laid down in Section 2-A of the Industrial Disputes Act, 1947. Considering the materials before me and the facts and circumstances I hold that it is to be presumed that this dispute has been raised by the workman himself in 2-A of the Industrial Disputes Act and I find that the present case is maintainable.

7. Admittedly the concerned workman, Shri Old Seikh joined the service in 1960 before nationalisation of Parbelia Colliery under Bengal Coal Co. It is also admitted that he had been serving in the said Colliery from before nationali-

sation. According to the provisions of law it was the duty of the erstwhile management to record the age or date of birth of the workman in the statutory Form B Register. In this case it has been contended from the side of the workman that he was aged 24 years when he joined the service and his year of birth was recorded as 1936 in the Form B Register prepared by the erstwhile management at the time of his entry in the service. According to the provisions of law the present management of Eastern Coalfields Limited is the Custodian of all the documents including Form B Register maintained by the erstwhile management. In this case the management has failed to produce the original Form B Register prepared by the erstwhile management to meet the point raised by the workman though it was called for from the management. The management has produced a Form B Register prepared by the Eastern Coalfields Ltd., in 1986. It appears from the entry of this register that 1930 was recorded as the year of birth of the present workman. There is nothing to show on what basis the year of birth of the present workman was recorded in 1986. So it is very difficult to put any reliance upon the entries of the register prepared in 1986 (Ext. M-1). I find that in the Form B Register (Ext. M-1) the L.T.I., of the concerned workman was taken and he was served with service excerpts in 1987. The workman claims that he filed objection against the same, but he was not given any receipt for the same. I am not prepared to believe such statement.

But the fact remains that the present workman is an illiterate person and it will not be prudent to except best evidence from him. It appears that on his behalf the union raised the dispute by a letter ('X' for identification) dated 16-3-90/26-3-90 which is about three months before his superannuation. But it appears that the management did not take any action on the said representation made by the union. So considering all the materials on record and the facts and circumstances I find that the workman must be given an opportunity to get his age assessed by the Apex Medical Board as the management has failed to produce the original Form B Register prepared by the erstwhile management. So I find that the action of the management in terminating the services of Sri Olid Seikh the concerned workman without medical examination is not justified. The management shall refer the concerned workman to Apex Medical Board for determination of his age.

- (a) If the Medical Board finds that the concerned workman attained the age of 60 years on or before 1-7-90, in that event the concerned workman shall not get any relief in this case. Moreover the concerned workman shall have to pay a sum of Rs. 5,000 as cost of this vexatious proceeding, or
- (b) if the Medical Board finds that the concerned workman has attained the age of 60 years any time after 1-7-90 in that event the workman shall be paid 50% (fifty percent) of his back wages from 1-7-90 till the date when he attained the age of 60 years. I am not prepared to award full wages for the said period as there was abnormal delay as he did not raise any objection when he was served with service excerpts, or
- (c) if the Medical Board finds that the concerned workman has not yet attained the age of 60 years in that event the management shall reinstate him in service with immediate effect and shall pay 50% (fifty per cent) of his back wages from 1-7-90 upto the date of his joining the service on the basis of reinstatement.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 10 मार्च, 1993

का आ 699 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल कोयलाखन लि. की गिरिहोली कोयलाखन के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. (2) धनबाद के 698 GI/93—4

पक्षों की प्रकाशित करने के, जो केन्द्रीय सरकार को 9-2-93 को प्राप्त हुआ था।

[सं. एल-20012/63/91 आई.आर.(को. 1)]

[सं. एल-20012/65/91-आई.आर.(को.1)]

एच. सी. गोड्ड, डेस्क अधिकारी

New Delhi, the 10th March, 1993

S.O. 699.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Giridih Colliery of Central Coalfield Ltd. and their workmen which was received by the Central Government on 9-3-93.

[No. L-20012/63/91-IR(Coal-1) L-20012/65/91-IR(Coal-1)]
HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Ram,
Presiding Officer.

In the matter of industrial disputes under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 130 of 1991

PARTIES :

Employers in relation to the management of Central Coalfield Ltd., in Giridih Colliery and the workmen.

[Ministry's Order No. L-20012/65/91-I.R.(Coal-I) dt. Nil]

APPEARANCES :

On behalf of the employers : Shri R. S. Murthy, Advocate.

On behalf of the workmen : Shri B. Joshi, Advocate.
Reference No. 133 of 1991

PARTIES :

Employers in relation to the management of Central Coalfield Ltd., in Giridih Colliery and the workmen.

(Ministry's Order No. L-20012/65/91-I.R.(Coal-I) dt. Nil)

APPEARANCES :

On behalf of the employers : Shri R. S. Murthy, Advocate.

On behalf of the workmen : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 26th February, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. referred to above.

Reference No. 130 of 1991

SCHEDULE

"Whether the action of the management of Central Coalfield Ltd. Giridih by refusing for making the payment of leave encashment to the workmen on the basis of Central Civil Rules is legal and justified ? If not, to what relief the workmen concerned are entitled ?"

Reference No. 133 of 1991

"Whether the action of the management of Bokaro and Kargali of Central Coalfields Ltd., P.O. Kargali Dist. Giridih by refusing for making the payment of leave encashment to those workmen on the basis of Central Civil Rules is legal and justified? If not, to what relief the workmen are entitled to?"

2. Common question of the jurisdiction of the Tribunal involving in both the references are being disposed by this common award.

3. The concerned workmen though not named in the references are demanding payment of Leave Encashment on the basis of Central Civil Rules which as alleged is being denied by the management of Central Coalfields Ltd. The concerned workmen working previous under the Central Government in the state collaries exercised their option accepting their absorption under M/s. N.C.D.C. Ltd. with effect from 1-10-56. They claim that since after their absorption they are being governed by the Leave Rules of the Central Government and other conditions of service. As alleged the leave rules of the Central Government was modified from time to time making provision for accumulation of Earned Leave to the extent of 240 days and payment of wages for unavailed leave to the maximum of 240 days at the time of retirement and resignation etc.

4. At this stage the management is not disputing whether the concerned workmen are entitled for Leave Encashment or not. The main objection has been taken regarding the jurisdiction of this Tribunal. The learned counsel of both the sides have been heard.

5. As stated in para 33 of the W.S. of the management the employers of erstwhile NCDC who are being governed by Civil and Railway rules were working in different states namely, Calcutta, West Bengal, New Delhi, the union territory of Delhi, MP, Maharashtra, Orissa, U.P. and Bihar. This fact has not been denied by the workmen. No doubt the present dispute relates to the workmen concerned who are working in the State Colleries of Bihar but in my humble opinion it will have far reaching consequences on the similarly placed employees in other states as stated above. Supposing for example that the claim of the concerned workmen in the present reference is allowed. Naturally the employees of other states will raise their voice and lay claim before the Government. But the Tribunals of those other States are not bound to take the similar view as taken by this Tribunal. They are at liberty to take different view giving rise to different awards by different Tribunals on the same issue. Considering this fact it will be always better and justifiable to refer this matter to the National Industrial Tribunal for final adjudication over the matter. An award is passed accordingly.

M. RAM, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Ref. No. 130 and 133 of 1991/1042

Dated, the 26th February, 1993

To,

The Deputy Secretary,
to the Govt. of India,
Ministry of Labour,
New Delhi.

Subject :—Reference No. 130 of 1991—Employers in relation to the management of Central Coalfields Ltd's Giridih Colliery and their workmen. (Ministry's Order No. L-20012/63/91-IR (Coal-I) dated Nil).

Reference No. 133 of 1991—Employers in relation to the management of Central Coalfields Ltd's Bokaro Colliery and their workmen.

(Ministry's Order No. L-20012/65/91-J.R.(Coal-I) dt. Nil).

Sir,

I have to send herewith a copy of the Award passed by me on the above mentioned subject together with its five spare copies for your information and necessary action.

Kindly acknowledge receipt.

Yours faithfully,
B. RAM, Presiding Officer

Encls : As above.

नई दिल्ली, 11 मार्च, 1993

का.प्र. 700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, गैन्टून कोन-फोन्डस लिमि. की बंकागो कोलियरी के प्रबन्धन के संबंध विवादों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (नं. 2) धनवाद के पञ्चद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-93 को प्राप्त हुआ था।

[स. एन-20012/65/91-आईआर (कोन-1)]

एन.सी. गौर, डेस्क अधिकारी

New Delhi, the 11th March, 1993

S.O. 700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bokaro Colliery of CCL and their workmen which was received by the Central Government on 9-3-93.

[No. L-20012/65/91-IR(Coal-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram,
Presiding Officer.

In the matter of industrial disputes under Section 10(1)
(d) of the I.D. Act, 1947.

Reference No. 130 of 1991

PARTIES :

Employers in relation to the management of Central Coalfields Ltd's Giridih Colliery and their workmen.

(Ministry's Order No. L-20012/63/91-IR. Coal-I dt. Nil).

APPEARANCES :

On behalf of the employers : Shri R. S. Murthy, Advocate.

On behalf of the workmen : Shri B. Lall, Advocate.

Reference No. 133 of 1991

PARTIES :

Employers in relation to the management of Central Coalfields Ltd's Bokaro Colliery and their workmen.

(Ministry's Order No. L-20012/65/91-IR (Coal-I) dt. Nil).

APPEARANCES :

On behalf of the employers : Shri R. S. Murthy, Advocate.

On behalf of the workmen : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 26th February, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the

I.D. Act, 1947 has referred the following dispute in this Tribunal for adjudication vide their Order No. referred to above.

Reference No. 130 of 1991

SCHEDULE

"Whether the action of the management of Central Coalfield Ltd. Giridih by refusing for making the payment of leave encashment to the workmen on the basis of Central Civil Rules is legal and justified? If not, to what relief the workmen concerned are entitled?"

Reference No. 133 of 1991

"Whether the action of the management of Bokaro and Kargali of Central Coalfield Ltd., P.O. Kargali, Distt. Giridih by refusing for making the payment of leave encashment to those workmen on the basis of Central Civil Rules is legal and justified? If not, to what relief the workmen are entitled to?"

2. Common question of the jurisdiction of the Tribunal involving in both the references are being disposed by this common award.

3. The concerned workmen though not named in the references are demanding payment of Leave Encashment on the basis of Central Civil Rules which as alleged is being denied by the management of Central Coalfields Ltd. The concerned workmen working previous under the Central Government in the State Collieries exercised their option accepting their absorption under M/s. N.C.D.C. Ltd. with effect from 1-10-56. They claim that since after their absorption they are being governed by the Leave Rules of the Central Government and other conditions of service. As I alleged the Leave Rules of the Central Government was modified from time to time making provision for accumulation of Earned Leave to the extent of 240 days and payment of wages for unavailed leave to the maximum of 240 days at the time of retirement and resignation etc.

4. At this stage the management is not disputing whether the concerned workmen are entitled for Leave Encashment or not. The main objection has been taken regarding the jurisdiction of this Tribunal. The learned counsel of both the sides have been heard.

5. As stated in para-33 of the W.S. of the management the employers of erstwhile NCDC who are being governed by Civil Railway rules were working in different states namely, Calcutta West Bengal, New Delhi, the Union Territory of Delhi, M.P., Maharashtra, Orissa, U.P. and Bihar. This fact has not been denied by the workmen. No doubt the present dispute relates to the workmen concerned who are working in the State Collieries of Bihar but in my humble opinion it will have far reaching consequences on the similarly placed employees in other states as stated above. Supporting for example that the claim of the concerned workmen in the present reference is allowed. Naturally the employees of other states will raise their voice and lay claim before the Government. But the Tribunals of those other States are not bound to take the similar view as taken by this Tribunal. They are at liberty to take different view giving rise to different awards by different Tribunals on the same issue. Considering this fact it will be always better and justifiable to refer this matter to the National Industrial Tribunal for final adjudication over the matter. An award is passed accordingly.

B. RAM, Presiding Officer

नई दिल्ली, 11 मार्च 1993

का.पा. 701—आद्योपि विषय अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एयर लाइन्स मद्रास के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच अनुबन्ध में निम्नलिखित आद्योपि विवाद से केन्द्रीय सरकार आद्योपि अधिनियम मद्रास के पंचपरत को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-1993 को प्राप्त हुआ था।

[संख्या एन-11012/791-आई आर (निविदा)]

श्री० एम० रेडिक्, डैन्क अधिकारी

New Delhi, the 16th March, 1993

S.O. 701.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines, Madras and their workmen, which was received by the Central Government on the 5-3-1993.

[No. L. 11012/791-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated. this the 22nd day of February, 1993)

PRESENT:

Sri C. N. Sasidharan, Industrial Tribunal.
IN

Industrial Dispute No. 38/91

BETWEEN

The Regional Director, Indian Airlines, Airlines House,
Meenambakkom, Madras.

(By M/s. Menon and Pai, Advocates, Ernakulam).

AND

Sri K. Jayaprakash, T.C. 29/181, Pullmoottil Veedu,
Thengupara Lane, Pettah, Trivandrum, Kerala.

(By Sri R. Lekkshmana Iyer, Advocate, Trivandrum).

AWARD

This Industrial Dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-11012/791-IR (Misc.) dated 27-7-1991.

The issue for adjudication is the following:

"Whether the action of the part of the management of Indian Airlines in denying employment to Sri K. Jayaprakash, Casual Cleaner beyond 1-4-1989 is fair and justifiable? If not, to what relief the workman is entitled?"

2. The case of the workman as per his claim statement is briefly as below: The Indian Airlines, the management is a Public Sector Undertaking. The workman was appointed as casual cleaner in the ground support division of the management in Trivandrum Aerodrome on 12-10-1985. He was continuously working there till 1-4-1989 and was being paid Rs. 25 per day as wages. On 1-4-1989 he met with an accident and he had to undergo treatment for a period of one month. The workman applied for leave and produced medical certificate. Thereafter, the workman reported for duty several times but he was not admitted to duty. That resulted in the present dispute. The workman had worked under the management for the period from 12-10-1985 to 1-4-1989. During conciliation according to the management the workman was only a contract labour. This according to the workman is against facts. He was employed continuously for a period of more than 3-1/2 years by the management and he has every right to continue employment there. It is stated that he remains unemployed ever since the date of denial of employment. The prayer is to get continuous employment to this workman with benefit of full back wages and all other benefits.

3. The management opposes the case of the workman. Their contentions are briefly as below: The management is a statutory corporation fully owned by the Government of India. The conditions of service and terms of employment are governed by the Regulations. Appointments in the management are made strictly in accordance with the Recruitment and Promotion Rules. In appointing persons the management is to consider various reservations and various guidelines issued by Government of India. The management issues notifications calling for application for various posts. There is a well defined eligibility criteria for various posts and the applications are subjected to written

test/trade test and interview. The workman was engaged for cleaning of vehicles on a contract basis and he was an independent contractor. He was not a workman as defined under the Industrial Disputes Act. He was paid Rs. 25 per day as contract charges. He was not a casual employee. Persons can be appointed in the management only according to the Recruitment and Promotion Rules. The workman did not come for work after 2-4-1989 and the management made alternate arrangements for cleaning the vehicles. The workman thus committed breach of contract and the workman is not entitled to any relief from the management. The workman himself terminated the contractual arrangement by performing the contract. The workman was on contract basis for cleaning and washing of ground support equipments. The work was of a part time nature. Sri Jayaprakash was neither a casual employee nor a permanent employee. Merely because of the issuance of a temporary pass Sri Jayaprakash will not get the status of a workman. He was not appointed through the accepted procedure for appointment. He was only an independent contractor doing the vehicle cleaning and he was not able to come after 1-4-1989. Therefore the management made alternate arrangement. The workman is not entitled to reinstatement or any other relief.

4. The workman examined himself as WW1 and Exts. W1 to W9 have been marked on the side of the workman. The Senior Plant Engineer in the Trivandrum Aerodrome was examined as MW1 and Exts. M1 and M2 have also been marked on the side of the management.

5. The claim of the workman Sri Jayaprakash is for continuous employment in the management establishment with back wages and other benefits. According to the workman he was working as casual cleaner continuously from 12-10-85 to 1-4-89 and thereafter the management denied him employment. The case of management on the other hand is that the workman was only a contractor and from 2-4-1989 he did not report for work. Ext. W1 is admittedly a temporary pass issued to the workman from the management for entering the premises of the establishment wherein the workman is described as casual cleaner. Ext. W2-series are recommendations of MW1, the Senior Plant Engineer of the management, for renewal of the temporary pass issued to the workman. In Ext. W-2 series MW-1 has described the workman as casual cleaner. Ext. W-2 series were written on various dates from 3-4-1986 to 3-10-1988. In Exts. W1 and W2 the workman is specifically described as casual cleaner. This fully support the case of the workman that he was as a casual cleaner in the management establishment. There is no evidence on record to show that the workman was a contractor as pleaded by the management. No contract agreement or any other document describing the workman as a contractor have been produced here. It is specific to note that according to MW1 the management used to state the designation of the person to whom passes are issued. Ext. W9 is a recommendation for renewal of temporary pass issued to S/s N. Chellappan Asai and Gopal Kumar. Ext. W9 was sent by MW1. In Ext. W9 Sri Chellappan Asai is mentioned as contract worker Sri Gopa Kumar is described as contract welder. Ext. W9-A is a photo copy of pass issued to Sri Gopa Kumar wherein he is stated as contract welder, on the other hand in Ext. W-1 and W-2-series the workman Sri Jayaprakash is described as casual cleaner. If he was a contractor as contended by the management his designation would have been described as contract cleaner by the management as in the case of Sri Chellappan Ashi and Sri Gopal Kumar mentioned in Ext. W-9. Ext. M1-series are photo copies of bills submitted by the workman to the Senior Plant Engineer for effecting payment. In Ext. M1 series bills it is stated as labour charges for cleaning and washing daily. There is no whisper as contract amount. The above documents and circumstances fully establish that the workman was a casual cleaner in the management establishment and negatives the contention of management that he was only a contractor.

6. According to the workman while he was working as casual cleaner he met with an accident on 1-4-1989 and he was under treatment for 31 days. He has stated before this Tribunal as WW-1 that during the period of his treatment he had filed leave application with medical certificate to the management and after 31 days when he reported for work he was not given employment. He has proved Exts. W3 and W4 photo copies of medical certificates, allegedly submitted

by him to the management. But MW1 has categorically denied the submission of such medical certificates and leave application by the workman. The workman has not even filed copy of such leave application before this Tribunal. The medical certificates are also not properly proved. It is not evident from Exts. W3 and W4 that the workman met with an accident. The Doctor who had issued the medical certificate was also examined here. There is no concrete or satisfactory evidence to the effect that he met with an accident and that he was under treatment. It is also not proved that he had applied for leave and submitted medical certificate to the management. It is also not worthy that his first representation to the management complaining denial of employment was on 15-10-1989 as per Ext. W5, i.e. after six months of the alleged denial of employment. There is no satisfactory explanation for the delay in submitting Ext. W5 representation. The above circumstances fully negative the contention of the workman that he met an accident, that he was under treatment for one month that he had applied for leave and that the management had denied him employment from 1-4-1989 as alleged by him.

7. The learned counsel for the workman would contend that the workman had worked in the management establishment continuously from 12-10-1985 to 1-4-1989 and therefore he is entitled to get absorption in the company. The learned counsel placed reliance on some decisions of the Supreme Court and High Court in support of this contention. MW1 has deposed that the appointments in the management are made strictly in accordance with the Recruitment policy and for casual employment also there are certain rules. Ext. M2 is the Recruitment and Promotion Rules of the management. MW1 has stated that for casual employment the management used to maintain a list of panel of employees duly processed after getting their application form which includes police verification, a reference by a known person, his address and other details. The workman has no case that he had submitted any such application. According to MW1 after getting application from candidates there is interview even for casual employment. It has also come out through this witness that registration with Employment Exchange is mandatory for appointment in the management establishment. The Recruitment Procedure has been stated in detail by MW1. Though the workman has deposed that he had filed application and was interviewed, there is no evidence in support of this. Even according to him he has filed application when there was no notice in the notice board, though according to him the management used to publish notice in the notice board when the management requires persons for employment. He has no case that he has registered his name in the Employment Exchange. He was admittedly not given any appointment order. He was also not paid the benefits which are paid to other casual employees. These aspects lead to be irresistible conclusion that the workman was not legally appointed by the management as per the recruitment rules and procedure for appointment. The employment of this workman can only be considered as a back door entry directly for various illegal considerations while persons who have registered their names in the Employment Exchange are waiting for years in the long queue for getting employment. This cannot be encouraged. Such a workman even if continued for a long time as casual cleaner cannot claim any absorption in the company as of right. It may be recalled that the management establishment is fully owned by the Government of India and conditions of service and terms of employment are governed by the Regulations made under Air Corporations Act, 1953.

8. The learned counsel for the union brought to the notice of this Tribunal some decisions of Supreme Court and High Courts to support the contention that the workman is entitled to get absorption since he has completed more than one year service under the management. I shall now refer those decisions. The Supreme Court in the case between Daily rated casual labour P&T Department v. Union of India (AIR 1987 SC 2342) considered the claim of minimum pay to casual labourers in the pay scale of regularly employed workmen. In that case while allowing the claim Supreme Court directed the authorities of P&T Department to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have continuously working for more than one year in the department. The Supreme Court considered the same question in the case between UP Income Tax Department Contingent Paid Staff Welfare Association v. Union of India (AIR 1988 SC 517) and allowed wages

equal to minimum pay in the pay scale of regularly employed workers and also made a direction for preparing a scheme for absorbing such employees. In the case between Delhi Municipal Karamchahi Eka Union v. P.L. Sing (AIR 1988 SC 519) also made such a direction. The Himachal Pradesh High Court in Premchand V. State of Himachal Pradesh (1988 LIC 1094) considered the claim of daily rated employees who were employed for a period of 7 to 10 years and held that the action of State Government employing petitioners on daily wage basis without their service being regularised for a period of 7 to 10 years was not in conformity with concept of justice and fair play. The court further observed that it amounts to unfair labour practice and violate doctrine of equal pay for equal work. The Central Administrative Tribunal (Madras Bench) in the case between Sri Ravi and Others v. General Manager (Tele-Communications) Kerala Circle, considered a similar question and directed the authorities to ensure employment of casual workers. The facts involved in the above cases are not similar in comparison with the facts involved in the case before me. In the cases considered by Supreme Court in the above decision the main question was regarding equal pay to the daily rated employees on par with the regular employees. There was no dispute regarding the legality of the employment of those daily rated workers. But in the instant case the employer of Sri Jayaprakash itself is not legal.

9. The trend of the Supreme Court has been changed as is evident from the latest decision of the Supreme Court in Delhi Development Horticulture Employees' Union v. Delhi Administration (AIR 1992 SC 789). In that case the petitioners were given employment under a particular scheme, i.e., Jawaharlal Nehru Rozgar Yojana. The persons employed under the scheme subsequently claimed regularisation merely because they have put in more than 240 days service. The Supreme Court rejected the claim and the observations made by the Court in paragraph 15 is worth quoting as below:

15. "Apart from the fact that the petitioners cannot be directed to be regularised for the reasons given above, we may take note of the pernicious consequences to which the direction for regularisation of workmen on the only ground that they have put in work for 240 or more days, has been leading. Although there is Employment Exchange Act which requires recruitment on the basis of registration in the Employment Exchange, it has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchanges, and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long waiting list in the Employment Register. The Courts can take judicial notice of the fact that such employment is sought and given directly for various illegal consideration including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give the benefit of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchanges for years. Not all those who gain such back-door entry in the employment are in need of the particular jobs. Though already employed else where, they join the jobs for better and secured prospects. That is why most of the cases which come to the courts are of employment in Government Departments, Public Undertakings or Agencies. Ultimately it is the people who bear the heavy burden of the surplus labour. The others equally injurious effect of indiscriminate regularisation has been that many of the agencies have stopped undertaking casual or temporary works though they are urgent and essential for fear that if those who are employed on such works are required to be continued for 240 or more days have to be absorbed as regular employees although the works are time-bound and there is no need of the workmen beyond the completion of the works undertaken. The public interest are thus jeopardised on both counts."

The Supreme Court in State of Rajasthan and another v. Kumari Aruna Mathur and two other cases [1992 Vol. II SC 111] considered the question of daily wage employees. In those cases the petitioners who are Lower Division Clerks on daily wages basis in the Department of State Insurance and Provident Fund They were subsequently terminated. They contended that the termination was illegal and claimed regularisation. That was rejected by the Supreme Court. In that case the concerned employees had not been given any permanent appointment and it was not even intended to give them appointment on a regular basis because such appointment on regular basis were not permissible under the relevant recruitment rules. In the case between Union of India and Another v. Sri R. C. Dsouza [1988 (ii) LLJ 507] the Supreme Court considered the case of a retired Army Officer who was appointed as Assistant Commandant in the Reserve Police Force for a period of three years. He was promoted on temporary basis and continued there for about 16 years. The question arose where there was entitlement to claim absorption. In that case the departmental authorities called for the option of the concerned employee for absorption also. Even in such a case the Supreme Court held that no right existed to the claim for absorption in Central Reserve Police Force in view of Rule 107 of the Central Reserve Police Force Rules. The High Court of Kerala in the case between Eranallor Service Co-operative Bank Ltd. v. Labour Court [1986 (ii) LLJ 492] considered the claim of a person appointed as salesman on temporary basis in a Co-operative Bank who was terminated. The court rejecting the claim of the workman held that the order appointing person as a salesman on a temporary basis is not the relationship of master and servant and the employee is not entitled to the protection provided for under the Industrial Disputes Act. The decision of the Madras High Court in Crompton Engineering Company v. Additional Labour Court [1975 (i) LLJ 207] dealt with the termination of service of casual and temporary employees on expiry of the periods for which they were employed. The court held that though casual employees may fall within the scope of definition of 'workman' in Sec. 2(s) of the Act, such employees are not entitled to reinstatement since an order of reinstatement postulates the existence of a post in which a particular person was working and with reference to which his employment was terminated. It was also held that there is no principle of provision of law entitling a casual workman to reinstatement simply because he was so employed on more than one occasion or he so worked for a long period of time. The above decision relied on by the learned counsel for the management fully support that the workman is not entitled to continued employment merely on the ground that he had continued in the management establishment as casual cleaner for some period particularly on the ground that there was no legal appointment in the management establishment. In view of the latest decision of the Supreme Court mentioned above and also of the decisions stated in this paragraph the decisions relied on by the learned counsel for the workman will not come to the rescue of the workman.

10. In view of the above discussion an award is passed holding that there was no denial of employment to Sri K. Jayaprakash by the management and that he is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Workman:

WW1. Sri K. Jayaprakash.

Witness examined on the side of the Management:

MW1. Sri. V. Remashan.

Documents marked on the side of the Workman :

Ext. W1.—Temporary pass in the name of Sri K. Jayaprakash for the period from 8th July, 1987 to 30th September, 1987

Ext. W2.—Series (4 nos.) Photocopies of letters sent by the Plant Engineer to the Controller of Aerodromes, Trivandrum Airport dated 3rd April, 1986, 4th April, 1988, 5th July, 1988 and 3rd October, 1988 respectively.

Ext. W3.—Medical Certificate issued by Dr. V. Francine in the name of Sri Jayaprakash dated 3rd April, 1989.

Ext. W4.—Medical Certificate issued by Dr. V. Francine in the name of Sri. Jayaprakash dated 3rd May, 1989.

Ext. W5.—Copy of petition addressed to the manager personnel service of management from Sri Jayaprakash dated 15th October, 1989.

Ext. W6.—Copy of petition addressed to the Managing Director of management, New Delhi from Sri. Jayaprakash dated 12th October, 1990.

Ext. W6-A.—Postal receipt.

Ext. W6-B. Postal acknowledgement.

Ext. W7.—Copy of letter addressed to the manager of personnel service from Sri. Jayaprakash dated 5th November, 1990.

Ext. W7-A. Postal acknowledgement.

Ext. W8.—Copy of petition addressed to Sri. M. S. Mohan Rao, Regional Director of management Madras from Sri. Jayaprakash dated 8th November, 1990.

Ext. W8-A. Postal receipt.

Ext. W9.—Photocopy of letter addressed from the Senior Plant Engineer to the Director of management dated 22nd November, 1990.

Ext. W9-A.—Photocopy of temporary pass in the name of Sri. J. Gopalkumar, contract welder.

Documents marked on the side of the Management :

Ext. M1—series (4 nos.) Bills addressed to the Senior Plant Engineer of the management from Sri. Jayaprakash dated 1st January, 1989, 1st February, 1989, 1st March, 1989 and 1st April, 1989 respectively.

Ext. M2.—Photocopy of Recruitment and Promotion Rules of management.

नई दिल्ली 12 मार्च, 1993

का प्र. 702.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) का धारा 17 के अन्वय में, केन्द्र सरकार, केन्द्र बैंक के प्रमुख के सबद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्न औद्योगिक विवाद में केन्द्र सरकार औद्योगिक अधिनियम, 1947 के पक्षों को प्रकाशित करता है, जो केन्द्र सरकार को 11-3-1993 को प्राप्त हुआ था।

[संख्या एन-12012/48/88-डी-2(ए)]

बी के वेंगुगोपालन, डेस्क अधिकारी

New Delhi, the 12th March, 1993

S.O. 702.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 11th March, 1993.

[No. L-12012/48/88-D.II(A)]

V. K. VENUGOPALAN, Desk Officer
ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 180 of 1988

In the matter of dispute between :

Sri V. K. Dangwal,
AGS U.P. Bank Employees' Union,
C/o Central Bank of India,
Rajpur Road,
Dehradun.

AND

General Manager (P. Wing),
I.B. Section,
112 JC Road, Bangalore.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/48/88-D.II(A) dated 9th December, 1988, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the erstwhile Lakshmi Commercial Bank Limited now merged with Canara Bank in withdrawing the increment granted to Smt. Mirdula Lata Gupta on completion of one year continuous service on 1st January, 1971 in May 1985 and marking recovery therefore is justified ? If not, to what relief is the workman entitled.

2. The case of the union in short is that the workman Smt. Mirdula Lata Gupta, who was Miss Mirdula Lata Bansal, before her marriage, was appointed on 1st January, 1980, as a clerk-cum-cashier in Chandpur Branch (District Bijnor) of the Bank. After a few months of her working on the said post of clerk the office of the bank asked Branch Manager to obtain another application for appointment from her. On her submitting a fresh application the head office of the erstwhile Lakshmi Commercial Bank Limited issued in her name a letter of appointment dated 10th January, 1981 stating therein that she had been selected for regular appointment as clerk cum-cashier on six months probation from the date of her appointment as a clerk-cum-cashier. The management taking 1st January, 1980 as her actual date of appointment granted her annual increment on 1st January, 1981 and thereafter in January each year. From Chandpur branch she was transferred to Clock Tower Branch, Dehradun on 31st January, 1985. In May 1985, to her great surprise, the management of erstwhile Lakshmi Commercial Bank Limited suddenly reduced her basic pay from Rs. 775 per month to Rs. 730 per month on the ground that she was not entitled to the annual graded increment granted to her on 1st January, 1981. On the basis of the said order the management of the bank recovered from her a sum of Rs. 1070. The Union alleges that the action of the management in withdrawing the increment and in effecting recovery of the amount was illegal. She was not a temporary employee in terms of the definition given in para 20.7 of the Bipartite Settlement as she was appointed as a regular clerk and she discharged her duties of permanent nature. In the alternative her temporary period was to be treated part of her probationary period in terms of 20.8 of the Bipartite Settlement. The Union, has therefore, prayed for declaring the above actions of the management as illegal and for restoration of the annual increment and recovery of Rs. 1070 deducted illegally from her wages. I may state here that it is not disputed by the parties that the erstwhile Lakshmi Commercial Bank Limited has merged in Canara Bank.

3. The case is contested by the management of Canara Bank. According to the management on her application she was engaged as a temporary employee from 1st January, 1980 and she continued working as such till 9th January, 1981. Despite instructions from the Head Office of the erstwhile Lakshmi Commercial Bank Limited, the branch manager continued her engagement as a temporary employee. No appointment letter was issued regarding this appointment to her by the erstwhile bank. Thereafter she made one more application for appointment to the Assistant General Manager (Personnel) of the erstwhile bank seeking regular service in the bank. Her fresh application for appointment was undated. On her second application a regular appointment letter was issued to her by the erstwhile bank on 10th January, 1981. In terms of the said appointment letter she was confirmed in the service of erstwhile bank. Because of the aforesaid facts she was not legally entitled to one increment which was released by the branch manager on 1st January, 1981 as a temporary. Therefore, the erstwhile bank choose to withdraw the said increment and order recovery of excess amount of wages drawn by her. Hence, there is no illegality in the action of the erstwhile bank. The management admit the recovery of Rs. 1070 from her.

4. In support of its case, the Union has examined Sri Sudhir Chand Sonker who has described himself as a member

of the Committee of U.P. Bank Employees Union and has relied on certain documents. The management on the other hand have examined Sri R. L. Sharma, Senior Manager presently posted in Circle Office of the Bank at New Delhi 1st October, 1992, was a date fixed for the cross-examination of the witness but on that none appeared for the Union. Thereupon the witness tendered his affidavit in evidence.

5. Ext. W.3 is the copy of her application dated nil addressed to the Assistant General Manager (Personnel) of the Lakshmi Commercial Bank Limited, New Delhi for appointment as a clerk. In it against the sub-heading Experience it was stated by her that she had been working in the Chandpur Branch of the bank since 1st January, 1980. Ext. W.1 is the copy of letter of appointment dated 10th January, 1981. This document shows that she was appointed as clerk-cum-cashier on six month's probation. Ext. W.3 is the copy of letter dated 19th October, 1981 by which she was confirmed in the regular service of the bank as clerk-cum-cashier from the date on which her probation period expired.

6. There is nothing on record to show that in respect of her earlier appointment she was issued any letter of appointment.

7. The question is whether her earlier appointment was as a temporary employee or against a permanent vacancy which was filled up later on by her. In this connection I would like to refer to para 20.7 and 20.8 of the first Bipartite Settlement. Para 20.7 defines temporary employee. According to this definition a temporary employee will mean—

1. A workman who has been appointed for a limited period of work which is of an essentially temporary nature; or
2. Who is employed temporarily as an additional workman in connection with a temporary increase in work of permanent nature; and
3. Includes the workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman.

Para 20.8 lays down that a temporary workman may also be appointed to fill the permanent vacancy provided that such temporary appointment shall not exceed the period of three months during which the bank shall make arrangements for filling up the vacancy permanently. It further lays down that if such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period.

8. From the reading of the two above paras of the First Bipartite Settlement, it becomes crystal clear that the benefit as envisaged in para 20.8 can be given only to such a temporary employee as defined in para 20.7 if he has been appointed to fill a permanent vacancy.

9. In this case Smt. Mirdula Lata Gupta has not examined herself. The Union has examined Sri Sudhir Sonker a member of the committee of the Union who has no personal knowledge of the facts so far as Smt. Gupta's appointment as clerk is concerned. On the other hand, there is un rebutted testimony of Sri R. L. Sharma, management's witness that Smt. Gupta was engaged as a temporary employee and she started working as such w.e.f. January, 1980. Sri Sharma has also deposed in his affidavit that during the period May 1980 to 9th January, 1981 he was the Manager and during the period November, 1984 to May 1985 he was the Chief Personnel Manager in the Personnel Department at the Head Office of the erstwhile Lakshmi Commercial Bank Limited, New Delhi. He has also deposed that while posted at the Head Office he had been dealing with the Chandpur and Debradun Branches also. He knew about the case of Smt. Gupta.

10. It therefore stands proved that Smt. Gupta's initial appointment was as a temporary employee.

11. The question is whether her appointment was against a permanent vacancy or not. As already said there is no evidence from the side of the Union. The evidence could have been with the management but the same has not been placed before the Tribunal. The management could have

shown that her initial appointment as a temporary employee was not against any permanent vacancy. The management cannot take advantage of the fact that no appointment letter in respect of her initial appointment was issued by the erstwhile bank. The fact that on her second application dated nil she was directly given regular appointment as a clerk-cum-cashier on a probation of six months by means of letter of appointment dated 10th January, 1981, copy Ext. W-1, shows that there had existed some permanent vacancies of clerk-cum-cashier. I, therefore, hold that her earlier appointment as clerk-cum-cashier was against a permanent vacancy.

12. Now we have seen that latter she was confirmed in the regular service of the bank by the erstwhile bank. Therefore, in terms of para 20.8 her probationary period would stand adjusted against the service rendered by her earlier. Therefore, her annual increment would fall due on 1st January, 1981. It was argued by Sardar Amreek Singh on behalf of the management that her increment should be pushed back either by six months which represents the probationary period or by 9 months in view of para 20.8 wherein it is stated that such temporary appointment for the purposes of filling up a permanent vacancy shall not exceed a period of three months during which the bank shall make arrangement for filling up the vacancy permanently. For any violation of the provisions, the workman cannot be made to suffer. Once it is found that the temporary employment was for the purposes of filling the permanent vacancy, for the purposes of entitlement to annual increment the period of service would count from the initial date of appointment.

13. Hence, the action of the management of the bank in withdrawing the increment and effecting the recovery of Rs. 1070 cannot be held as justified. Consequently, the workman is held as entitled to annual increment w.e.f. 1st January, 1981 and to recovery of Rs. 1070 from the management.

14. The reference is answered accordingly.

ARIAN DEV, Presiding Officer

नई दिल्ली, 12 मार्च, 1993

का.प्र. 703.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ बड़ोदा के प्रबन्धन के संबन्धित नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गोवा के पंचपट को प्रकाशित करती है, जो केन्द्रिय सरकार को 11-3-1991 को प्राप्त हुआ था।

[संख्या एम्-12012/89/92 आई आर बी-2]

डी.के. वैष्णोपासन, डेस्क अधिकारी

New Delhi, the 12th March, 1993

S.O. 703.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Goa as shown in the Annexure in the industrial dispute between the employees in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 11-3-1993.

[No. L-12012/89/92-IR BII]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

Before Shri M. A. Dhavale, Hon'ble Presiding Officer,

Ref. No. IT/52/92

Smt. Girija Bakwade—Workman/Party I.

Versus

Bank of Baroda—Employer/Party II.
Panaji, Dated 23-2-1993

AWARD

In exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Central Government by its Order No. L-12012/89/92-IR(B.II) dated 30-7-1992 has referred the following issue for adjudication by this Tribunal.

"Whether the action of the management of Bank of Baroda is justified in terminating services of Smt. Girija Eakwade, part-time sweeper, Bank of Baroda, Colva Branch w.e.f. February, 1991? If not, what relief the workman is entitled to?"

2. On receipt of this reference a case at No. IT/52/92 was registered and notices were served upon both the parties, in response to which they appeared and submitted their pleadings.

3. Party I—Smt. Girija Eakwade (hereinafter called as the 'workman'), has filed her statement of claim (Exb. 3) wherein it has been averred as follows :

3. The workman was serving as a Sweeper at Colva Branch of the Bank of Baroda since May, 1987 on a consolidated salary of Rs. 100 per month, which was later increased to Rs. 175 per month w.e.f. July, 1989, in terms of Bipartite Settlements. However, the premises of Colva Branch were shifted to new premises in 1990. That time the workman was drawing 1/3rd salary as applicable to subordinate staff from that date onwards. She was serving continuously without break from 1987 to February, 1991 when her services were terminated by the management without assigning any reasons. Hence, it was been averred that the said order of termination is illegal and unjustified. The workman is the sole earner in her family which consists of three children who are minors. Besides, after terminating her services, the management had appointed somebody else to perform her duties. Hence, it has been prayed that the workman should be reinstated by paying her all legal benefits.

4. Party II Regional Manager, Bank of Baroda, Goa, did not file any Written Statement. However, on 19-1-1993, a submission was made on behalf of the Regional Manager that the dispute between the parties has already been settled and accordingly, one letter at Exb. 4 dated 19-1-1993 has been filed wherein it has been stated that the workman—Smt. Girija Eakwade was already reinstated as Sweeper on a consolidated salary of Rs. 175 p.m. It has been also stated that the Bank would arrange to pay her back wages from the date of termination. Thereafter, one more letter at Feb. 5 dated 30-1-1993 has been filed wherein it has been stated that all back wages including Bonus, since the date of termination, has already been credited in her account. The workman has also admitted this position by saying below Ext. 5 that she has already received wages and Bonus as stated in this letter and that her claim has been fully settled.

5. In view of this position, it follows that the dispute between the parties has already been settled out of Court and hence this reference is liable to be disposed off as settled out of Court.

6. I, therefore, pass the following order.

ORDER

The reference stands disposed off as the dispute between the parties has already been settled out of Court.

No order as to costs. The Central Government be informed.

M. A. DHAVALA, Presiding Officer

नई दिल्ली, 9 मार्च, 1993

का.प्र. 704.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुवृत्त में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

बैंगलूर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार की 5-3-1993 की आज्ञा द्वारा था।

[संख्या एल-12012/94/92-आई.बी.आई. का.प्र.]

बी.के. वेणुगोपालन, ई.एस. अधिकारी

New Delhi, the 9th March, 1993

S.O. 707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 5-3-1993.

[No. L-12012/94/92-IR(B.II)]

V. K. VENUGOPALAN, De k Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 26th day of February, 1993

PRESENT :

Shri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

Central Reference No. 70/92

I Party—The Vice President, Vijaya Bank Employees' Federation, No. 18-22, Cubbonpet Main Road, Bangalore-02.

Versus

II Party—The Chairman-cum-M.D., Vijaya Bank, H.O., No. 14, M.G. Road, Trinity Circle, Bangalore-01.

AWARD

In this reference made by the Hon'ble Central Government by its order No. L-12012/94/92-IR(B.II) dated 10-8-92 under Section 10(2A)(1)(d) of I.D. Act the point for adjudication as per schedule to reference is :

"Whether the action of the management of Vijaya Bank in imposing the punishment of stoppage of one increment with cumulative effect for the alleged misconduct of the workman, Shri D. R. Krishna Shetty, Driver, Dvl. Office is justified? If not, to what relief is the workman entitled to?"

2. In the claim settlement the I party workman has contended:—

The I party workman joined the services of the II party as driver as per appointment order dated 20-10-75. The services of the I party workman as driver were confirmed by order dated 21-1-76. All of a sudden as per order dated 31-7-86, the designation of the I party workman was unilaterally changed to peon-cum-driver. The I party was transferred to Kanakapura branch to work as peon-cum-driver. The I party made a representation and on that representation the II party by its order dated 13-8-86 restored the original designation of the I party workman as a driver. However, the I party workman was posted to Dabaspet branch to work as a peon. As per order dated 22-4-89 the I party workman was transferred from Dabaspet to the office of the Divisional Accounts Office, Bangalore.

3. As per order dated 12-2-90 issued by the Senior Manager, D.A.O., Bangalore, the I party workman was temporarily deputed to K.G. Road branch, Bangalore to work there upto 16-2-90 and I party was immediately relieved. The I party workman reported to the K.G. Road branch on the same day. The Asst. Manager exposed his satisfaction over the work of the I party workman. The I party submitted that he was designated as advisor and that he found it difficult to do the work of a peon. The Senior Manager directed the I party workman to give a letter in writing to that effect.

Accordingly the I party workman gave the letter dt. 12-2-90. Then the Senior manager of K.G. Road branch relieved him on the same day and the I party came to the original branch and reported for duty.

4. The I party workman was issued with a show cause notice for committing misconduct of wilful insubordination, disobedience of lawful and reasonable orders of the superiors. The I party submitted his explanation denying the charges. The charge sheet dt. 25-7-90 was issued to the I party for the alleged misconduct. The I party submitted his explanation denying the alleged misconduct. The II party was not satisfied with the explanation. The II party ordered an enquiry to be instituted against I party. The E.O. found the I party guilty. The second show cause notice was issued to show cause why I party should not be imposed the punishment of stoppage of one increment permanently. The I party submitted his explanation. This was not accepted by the II party. The disciplinary authority passed the order stopping one increment permanently. The Appellate authority rejected the appeal filed by the I party. The I party workman expressed his difficulty in carrying out the work of a peon because of his inadequate English language. He has no intention to disobey the orders. The I party workman was a driver. The II party had no right to allot him the work of a peon. The D.L. held against the I party is improper and illegal, the findings of the E.O. cannot be sustained.

5. In the counter statement it is contended:—

The I party was appointed as a driver and was posted to work as a driver. He was confirmed as a driver. The I party was caught while pilfering the period of the Banks car. There was an enquiry and it was established. The I party again behaved indecently when working as a driver. He was punished with a stoppage of increment. The management felt that it was not safe to continue the I party workman as a driver. The I party was therefore entrusted with the work of a peon. The I party was posted to work as a peon at Dabaspur branch. He worked there as a peon till 29-6-89. The I party was transferred to Bangalore. Though the I party workman was entrusted with the functions of a peon, the Bank continued to pay him special allowance applicable to drivers. Divisional Accounts office (DAO) by its order 12-2-90 directed the I party workman to work as a peon in the K.G. Road branch. The Asst. Manager of the K.G. Road allotted him the work in clearing department apart from attending branch managers instructions. The I party workman refused to do this work, though he could have done it. The work allotted to him did not require knowledge of English. Hence the D.E. was instituted and ultimately the II party imposed punishment of stoppage of one increment with cumulative effect for the misconduct. The enquiry held is fair and proper. The punishment imposed on the I party workman is proper. The I party deliberately refused to carry out the instructions issued to him.

6. The reference covers the point for decision. Hence no separate issue has been framed.

7. It is clear from the order sheet dt. 17-12-82 that the Learned counsel for the I party has conceded that the D.E. is valid and proper. Enquiry papers have been produced. Evidence has not been recorded. Since this is not a case of discharge or dismissal, question of considering the adequacy or otherwise of the punishment imposed does not arise. The Learned counsel for the I party did not argue that the I party was victimised. He argued that the findings given by the E.O. were perverse. It is argued by the Learned counsel for the II party that the enquiry report given by the E.O. holding that the charges were proved is proper and there was no perversity in the findings.

8. I have looked into the enquiry report in the enquiry proceedings book produced by the II party. It is clear from para 23 of the report of the findings that the E.O. has come to the conclusion that the work assigned to I party workman at K.G. Road did not require any knowledge of English and that the I party workman has committed misconduct in refusing to work as a peon. He held that the charge against I party workman was established and proved.

9. It is admitted that the I party workman was appointed as a driver. The case of the II party is that the work of the I party workman as a driver was far from satisfactory and so he was assigned the work of a peon-cum-driver. The case 698 GI/93—5

of the I party workman is that he made a representation that he was appointed as a driver and he cannot be designated as peon-cum-driver. The further case of the I party workman is that the II party resorted the designation of the I party as a driver. This is clear from Ex. M.9 marked in the D.E. But the case of the II party is that though I party's designation as a driver was restored, I party was directed to do the work of a peon and the II party continued to pay the I party workman the allowance to which a driver was entitled.

10. Admittedly the I party workman has worked as a peon for 3 months in Kanakapur branch. Again he has worked as a driver and so he cannot be assigned the work of a peon. branch of the II party. The I party workman in the present reference is estopped from contending that he was appointed as a driver and so he cannot be assigned the work of a peon. It is argued by the learned counsel for the I party that there is no estoppel against law. This argument has no force. This is a case of estoppel against law. This is a case of estoppel against conduct. It is significant to note that in Ex. M.5 dt. 12-2-90 (marked in D.E.) the I party has described himself as a peon-cum-driver.

11. It is argued by the Learned Counsel for the I party that the I party workman who was appointed as a driver could not have been assigned the work of a peon and so the punishment imposed on him for the alleged misconduct committed in the capacity of a peon has to be set aside. As has already been stated the I party workman was assigned the work of a peon and was doing the work of a peon and he was given special allowance meant for drivers. There was no justification for I party workman to refuse to do the work of a peon on the pretext that he did not know English.

12. This reference arises out of the refusal of the I party workman to do the work of a peon. This Tribunal cannot go beyond the reference. In this reference it won't be proper for this Tribunal to go into the question whether a person appointed as a driver could be assigned the work of a peon. The observations made by me above shall not come in the way of the I party workman to raise a dispute, if any regarding the charge of work assigned to him.

13. It is argued by the Learned counsel for the I party that the I party did not refuse to do the work and his refusal in any case is not unlawful. The letter Ex. M.3 (marked in D.E.) given by the I party workman was that he did not know English and so he could not do the work in the branch. In the same breath he has stated that he was appointed as a driver and he knew the work of the driver very well. The explanation given in his letters I am of opinion, is an ingenious attempt to wriggle out of a true state of affairs. The only intention of the I party workman was to refuse to do the work allotted to him.

14. The Learned counsel for the I party workman has relied on some decisions in which it has been laid down that the Tribunal has power to reappreciate the evidence in the D.E. in order to satisfy itself whether the misconduct is established. This position in law comes into play only when the findings given by the E.O. in the D.E. are held perverse.

15. It has been laid down by the Madras High Court in 1971 Lab. I.C. 1388 (The management of Sri Sivasakthi Bus Service Kallakrichi Post, South Arcot, v/s. P. Gopal and another) that "If the decision is arrived at on no evidence or evidence which is thoroughly unreliable and unacceptable and if a reasonable and well instructed person would not act upon such evidence and decide, then it is to be characterised as a perverse order, but if there is evidence on record, however commendable it may be, if it is acceptable and if it could be relied upon, then a conclusion arrived at in such a situation is not a perverse order." In the instant case I am of opinion that the E.O. has relied on relevant material and evidence and the findings cannot be characterised perverse.

16. All other documents which are not referred to by me above are not relevant. In any case they do not alter my conclusions reached above.

17. For the aforesaid reasons I pass the following :

ORDER

The reference is rejected. Award passed rejecting the reference.

Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 26th day of February 1993).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 16 मार्च, 1993

का.प्र. 705.—केन्द्रीय सरकार ने वह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ब) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम, मंत्रालय की अधिसूचना संख्या का.प्र. 2627 दिनांक 14 सितम्बर, 1992 द्वारा बैंकिंग कम्पनी द्वारा चलाया जाता है उक्त अधिनियम के प्रयोजनों के लिए 19 सितम्बर, 1992 से छः मास का कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार का राय है कि लोकहित में उक्त कालावधि की छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ब) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 मार्च, 1993 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/3/85-डी-1(ए)]

एस० एस० पराशर, प्रवर सचिव

New Delhi, the 16th March, 1993

S.O. 705.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S. O. No. 2627, dated the 14th September, 1992 the Banking Industry carried on by a Banking Company as defined in clause (bb) of section 2 of the said Act to be a public utility service for the purpose of the said Act, for a period of six months from the 19th September, 1992;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 19th March, 1993.

[No. S-11017/2/85-D. I (A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 16 मार्च, 1993

का.प्र. 706.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि इंडिया गवर्नमेंट मिट, बम्बई को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का प्रथम अनुसूची में निर्दिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाए,

अतः अब औद्योगिक विवाद अधिनियम, 1947 की धारा 2 के खंड (ब) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास का कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/3/85-डी-1(ए)]

एस० एस० पराशर, प्रवर सचिव

New Delhi, the 16th March, 1993

S.O. 706.—Whereas the Central Government is satisfied that the public interest requires that the India Government Mint, Bombay which is specified in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/3/85-D. I (A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 17 मार्च, 1993

का.प्र. 707.—केन्द्रीय सरकार, टेका श्रम (वित्तियमन और उत्पादन) नियम 1970 की धारा 10 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, टेका श्रम सलाहकार बोर्ड से परामर्श करने के पश्चात् इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से देश को चूना पत्थर और डोलोमाइट खानों में, निम्नलिखित अनुसूची में विनिर्दिष्ट कार्यों के लिए टेका श्रमिक नियोजन को प्रतिबन्धित करती है अर्थातः—

अनुसूची

- (1) खनिजों को उठाना जिसके अन्तर्गत चूना पत्थर और डोलोमाइट को लोड़ना, आयापन और छंटाई करना भी सम्मिलित है, और
- (2) चूना पत्थर और डोलोमाइट का परिवहन जिसके अन्तर्गत ट्रकों, डम्पर्स, प्रवाहकों में लवाई और उनसे भारी तथा खान स्थल से कारखाने तक परिवहन सम्मिलित है।

[का.सं. यू-23013/15/86-एल. डब्ल्यू. (जिल्द 2)]

पद्मा वेंकटाचलम, निदेशक

New Delhi, the 17th March, 1993

S.O. 707.—In exercise of the powers conferred by sub-section (1) of section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits with effect from the date of publication of this notification the employment of contract labour in the works specified in the following Schedule, in the Limestone and Dolomite Mines in the country namely :—

SCHEDULE

- (1) Raising of minerals including breaking, sizing, sorting of limestone/dolomite; and
- (2) Transportation of limestone and dolomite which includes loading into and unloading from trucks, dumpers, conveyors and transportation from mine site to factory.

[No. U-23013/15/86-L.W (Vol. II)]

PADMA VENKATACHALAM, Director

नई दिल्ली, 17 मार्च, 1993

New Delhi, the 17th March, 1993

का. प्रा. 708.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-4-93 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है (और अध्याय-5 और 6) धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है (के उपबन्ध आन्ध्र प्रदेश राज्य के म्निस्त्रित क्षेत्र में प्रवृत्त होंगे) अर्थात् :—

“जिला रंगा रेड्डी के कीसरा मंडल में राजस्व ग्राम नागाराम के अंतर्गत आने वाले क्षेत्र।”

[संख्या एस-38013/5/93-एस.एस. 1)]

ज. पी. शुक्ला, अधीक्षक

S.O. 708.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“The area within the revenue village of Nagaram in Keesara Mandal in Ranga Reddy District.”

[No. S-38013/5/93-S. S. I.]

J. P. SHUKLA, Under Secy.

